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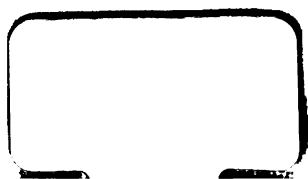
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— *See Journal* —



PROCEEDINGS
OF THE
SECOND ANNUAL MEETING
OF THE
MAINE STATE BAR
ASSOCIATION

HELD AT
AUGUSTA, MAINE, FEBRUARY 8, 1893.

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Maine State Bar Association.

SECOND ANNUAL MEETING.

SENATE CHAMBER.

AUGUSTA, Me., Feb. 8th, 1893.

In accordance with the call for the annual meeting, the Maine State Bar Association met in the Senate Chamber at the Capitol, on Wednesday, Feb. 8th, at 2:30 P. M., and was called to order by President Libby.

The report of the Treasurer was read as follows :

LESLIE C. CORNISH, Tr., in account with Maine State Bar Association,

Dr.	
To cash on hand.....	\$108 94
" received for dinner tickets from 52 members, at \$3.....	156 00
" received for annual dues, 1892, from 262 members.....	262 00
" " " " " 1893, " 2 "	2 00
	<hr/>
	\$538 94
Cr.	
By amount paid expenses for dinner.....	\$191 75
" " " postage and envelopes.....	4 00
" wrappers, etc., at various times.....	42 00
" amount C. E. Nash, printing.....	49 65
" " " " "	26 59
" salary of Secretary and Treasurer	100 00
" cash on hand to balance.....	118 95
	<hr/>
	\$538 94

On motion of Mr. Joseph A. Locke the report was accepted and approved.

President Libby:—The next business in order is the report of the Committee on Legal History. That is one of the standing committees of the association. I was in hopes there would be some papers in the way of biographical sketches of deceased members. I see one of the committee here, brother Drummond, of Portland.

Mr. Josiah H. Drummond :—Mr. President, a severe cold places me in the condition of the party in a story of brother Carleton's that all you will want of me this afternoon is "silence, and mighty little of that." I doubt if there is any report of the Committee on Legal History to-day. Brother Williamson undertook to write the history of John Wilson for presentation here, but was unable to complete it, and I am in the same condition as to Timothy Boutelle. Brother Drew,

whom I have seen to-day, commenced the preparation of an article on Lot M. Morrill, but has not completed it. From brother Belcher, who intended to prepare a memorial of Hiram Belcher, I have not heard. Brother Hudson was intending to have a report ready, but whether he is now in the city I do not know. I would suggest that the report of the Committee on Legal History be postponed for the present, and move that it be postponed until after the address. The motion prevailed, and the association then listened to the following address:

ANNUAL ADDRESS, BY MR. LESLIE C. CORNISH.

"THE MORALE OF THE LEGAL PROFESSION."

Mr. President and Gentlemen of the Maine State Bar Association :

The theme which I bring to you to-day is better adapted to a non-professional than to a professional audience. In fact, it was prepared for another and entirely different occasion, a reunion of college graduates embracing all crafts and callings. But as certain distinguished men who were invited to address us on this occasion disappointed us, as distinguished men are very apt to do, your president was obliged to resort to lesser lights, and kindly, or unkindly, as you may view it, asked me to re-read this paper.

So much by way of explanation of the fact that your illumination to-day comes from a plain tallow dip instead of an Edison incandescent.

My subject is the "Morale of the Legal Profession," and it is suggested by what you all know to be a well nigh universal custom, the abuse of the profession and its followers. The prevalence of this practice cannot be denied. I doubt if there is one in this company, excepting, of course, the lawyers themselves, who has not often indulged in this phase of would-be wit. No opportunity is missed to fling a slur at the attorney, and the heavier the shot the brighter the marksman. It is a custom, too, that has come down to us from an earlier time, and the modern taunter is the heir of all the ages.

Ben Johnson thus described us in the age of Shakespeare:—

"I oft have heard him say, how he admired
Men of your large profession, that could speak
To every cause, and things mere contraries,
Till they were hoarse again, yet all be law;
That with most quick agility, could turn,
And return; make knots and undo them;
Give forked counsel; take provoking gold
On either hand, and put it up; these men
He knew would thrive with their humility,
And (for his part) he thought he would be blest
To have his heir of such a suffering spirit
So wise, so grave, of so perplexed a tongue
And loud withal, that would not wag nor scarce
Lie still, without fee;"

A dramatist of the last century makes one of his characters say:
"The law is a sort of locus pocus science, that smiles in your face

while it picks yer pocket; and the glorious uncertainty of it is of mair use to the professors than the justice of it."

Rabelais spoke of the advocates of his time as "furred cats," and left no malignant epithet unemployed in his characterization of them.

The brush as well as the pen has done its work.

In the chief court of law of Grenada once hung a picture of a disrobed man with a large bundle of papers beneath his arm and certain words proceeding out of his mouth, of which these are a translation: "I, who won my suit, am now stripped to the skin; what then must be the fate of him who lost it?"

Many of you, doubtless, have repeated with pleasure the story told of a certain Dean of Ely. At a dinner, just as the cloth was being removed, the subject of discourse happened to be that of the extraordinary mortality among lawyers. "We have lost," said a gentleman, "not less than seven eminent barristers in as many months." The Dean, who was very deaf, rose just at the conclusion of this remark and gave the company grace. "For this and every other mercy make us devoutly thankful."

Akin to this, and equally well relished when published to the world, was the conclusion of a young clergyman's prayer at the opening of court in a neighboring county, when he asked that those present might finally "reassemble in that land where there are no courts, no judges, and no lawyers."

But no better illustration of this tendency can be given than in the legend of St. Evona of Brittany, which has come down to us from an ancient date. The saint, who was also a lawyer (but in the public mind his sainthood must have been in the inverse ratio of his legal attainments), went to Rome, so runs the story, and besought his Holiness, the Pope, to appoint a patron saint for the lawyers, who then had none. The Holy Father rep'ied that he would be glad to accommodate, but unluckily none of the saints had been in the law business, nor any of the lawyers in the saint business, so that there was no proper person to receive the honor. The good Breton was much troubled at this, but after a long consultation, it was finally agreed that he should select a patron saint by chance, by walking blindfold thrice around the Church of St. John Lateran, and by then laying hold upon the first statue he could reach, whose original should be the desired patron. This was done, and having clutched a figure, the good Saint Evona cried out in triumph, before he took off his bandage, "This is our sain'; let him be our patron." The witnesses now laughed, on which Saint Evona, opening his eyes, discovered that he was holding fast to the image of the devil, prostrate beneath the feet of Saint Michael the Archangel.

Not only has the pen and the brush lent their aid to bombarding the profession, but the stage has born its part as well. Who ever saw in real life such types as there appear? The lawyer of the stage. What is he? Poor in person, poorer in spirit—possessing neither modesty nor veracity—knowing nothing of honor,—willing to be

anything or to do anything if but the fee be forthcoming. Yet, strange as it may seem, these caricatures are too often well received by those who do not reason for a moment as to their improbability, and I do not now recall a single play with the character of an attorney which depicts him as you and I know him in our every-day, off-the-stage, life.

But the citing of instances is quite unnecessary to prove to you the prevalence of the custom. It might be interesting to search for its reason. Some say it is because we compel men to pay their debts and answer for their wrongs. Men are better haters than lovers, and the enmity of the debtor would survive the gratitude of the creditor. But it is not my purpose to attempt an explanation. Enough that the custom exists; that dramatist and poet, legend-monger and caricaturist have transmitted it, and that the public, which Addison says "is more disposed to censure than to praise," is not to-day averse to receiving and repeating the wanton insinuations. Any slighting allusion to our want of truthfulness or of principle, to our manipulation of evidence or our juggling with justice finds an appreciative ear.

Let us stop for a moment and calmly and honestly ask if all this satire is well deserved. Is the profession to-day what these jibes import? Is it a stirrer up of strife and sedition among men? Does it act the vulture to the people's Prometheus? In short, if challenged can it show any reason for its existence?

FIRST—THE PROFESSION AS A PROFESSION.

Did this thought ever occur to you, that at every moment of our lives, from the cradle to the grave, we are protected in our person, our property and our reputation by the strong arm of the law? That whether we are awake or asleep, at home or abroad, whether we are conscious of the fact or unconscious of it, its shield is ever before us. We are protected in our own rights, we are protected against our neighbors' wrongs.

To illustrate: You left your home to meet with us this afternoon. You walked down the streets of your city to the station, boarded the cars for Augusta, and sat reading the daily paper heedless of any harm that could befall you, unconscious of any friend at your side. But had some accident occurred through the negligence of the railroad company in consequence of which you were injured, your friend would have materialized, and you would have been made whole so far as pecuniary compensation could have done it. Or, suppose that your grip, containing your valuables, and possibly your after dinner impromptu speeches, had been stolen. You could have summoned in the officers of the law to hunt down the thief and return to you your own, and they must respond. Or, to illustrate again: You are travelling in a foreign country and receive an insult that infringes upon the well accredited law of Nations. Instantly the whole force of the United States Government is at your side, to avenge your wrongs, and all this, too, whether you are rich or poor,

high or low, a United States Consul or a common sailor on the Baltimore. Yet so silent is the working of the law that it is rarely perceived. Those who are not in the profession go about their accustomed duties from day to day and seldom realize its existence. It is like the air we breathe, or the force of gravitation that holds us to the earth. Only when resisted does it make itself felt. It is like the law of health. Happy the man who is not conscious of possessing nerves. Disarrangement brings them to the front. Serene his lot who is not conscious of a stomach. Dyspepsia makes the doleful introduction.

As I write these words the rugged yet kindly face of the late Justice Bradley looks down upon me from my library wall and seems to repeat these weighty words from one of his public addresses: "At first view, when we walk about amongst our fellow men, we may not observe the omnipotent influence and controlling effect of the law. Its power is so subtle and all-pervading that everything seems to take place as the spontaneous result of existing conditions and circumstances. It is like gravitation in the natural world, which while it governs and controls every movement, and produces all the order of the Universe, is itself unseen. It must be studied in its effects in order to understand its power. So with law in civil society. It is over, under, in and around every action that takes place. Its silent reign is seen in the order preserved, the person and property protected, the sense of security manifested; in the freedom of intercourse, in the cheerful performance of labor, in the confidence with which business is transacted, and trust is reposed by one man in another; in the peaceful and contented pursuit of trades and occupations and the bestowal of services; all goes on cheerfully and smoothly, working out and interworking the constant evolution of human happiness, because of the ever-existing (though generally unrecognized) consciousness of the presence, the watchfulness and the all-sufficient protection of the law. In ordinary conduct, conformity to its rules and requirements is pursued almost as second nature; but in transactions requiring authentic evidence, greater knowledge, perhaps professional skill, is required; and when questions of ambiguity, complexity, and difficulty arise, which the parties themselves cannot amicably solve, then, of course, the skill of the lawyer, and perhaps the wisdom and authority of the judge must be resorted to. But compared with the millions of transactions which take place, these ripples on the surface do not often occur. The mighty river of things generally moves on with an undisturbed current, but only because it is kept in its banks and regulated in its course by the power of the law."

In this universality of law is found a reason for the existence of a profession trained in its science, and in its administration. When "the ripples on the surface do appear," the necessity for skilled men arises. The laws of physical life are constant and universal. Never for a moment do they cease to work. For days and months, and perhaps years we are not conscious of them, for the fullness and

bouyancy of health obscure them, but when they are transgressed and the inevitable conflict appears, "the ripple on the surface of the mighty river," then we must call in the skilled practitioner, whose education and training have made him familiar with the disease and the remedy. So in the multiplicity of business and social life, "the mighty river of things generally moves on" as judge Bradley said "with an undisturbed current, kept within its banks and regulated in its course by the power of law," but when the banks are broken down and danger is threatened to property, liberty or life, the exigency demands a skilled profession acquainted with the disease and the remedy. In other words, as the moral law demands the moral teacher, and the law of health the physician, so the civil law, without which society cannot exist, demands the lawyer. And no higher testimonial of a nation's intelligence can be found than in a court of justice where its citizens meet on a common level to submit their controversies and their legal rights to the determination of their fellows, accepting as final the judgment that is there meted out to them. If, as Burke once said, "the ultimate aim of the whole machinery of government, kings, lords and commons, is to get into the jury box twelve honest jurors to decide upon the rights of a citizen," the accomplishment of that aim would be useless when collected there, if the facts and the law could not be fully and completely presented, the necessary instrument for which is the legal profession. As long as the fabric of society shall stand, as long as its complex and intricate relations shall exist, questions of legal right will arise, not invented by lawyers, but growing out of the very necessities of life, and just so long will continue the need of a class trained to deal with and settle them.

An illustrious example of the administration of law without lawyers is furnished in the famous witchcraft trials at old Salem, near the close of the 17th century. You will remember that the English bar did not reappear with the early colonists on these shores. "The Dutchmen of New York and the people of the Jerseys, prior to their annexation to New England in 1688, and in fact until 1708 had little occasion for lawyers, and Penn and his Quakers still less. Roger Williams and his followers had none at all. The Plymouth Colonists sent home the only person from the inns of court who attempted to practice within their limits. Some of the most eminent members of the colony of Massachusetts Bay had been thoroughly trained in the inns of court; they did not, however, attempt to practice, but utilized their knowledge for the benefit of the embryo commonwealth. They too sent home the only educated lawyer in their midst, and the result was that the ancient English practice was from necessity revived. The parties were required to appear in court and try their own cases." This prejudice existed to a great degree when the famous trials for witchcraft were held in Salem in 1692, and from that miscarriage of justice the skirts of the legal profession are entirely clear. If my information is authentic, no lawyer participated in them as attorney, counsellor or judge. The

court consisted of seven members, two of whom, including the chief justice, had been educated as clergymen, two physicians, two merchants, and the seventh was a military man. Not one of them a lawyer. The man who acted as prosecuting attorney was a merchant, and the accused was unrepresented by counsel. Well would it have been for the reputation of the mother commonwealth if the trials could have been conducted in a legal manner, before a tribunal of law-instructed judges, and with the aid of attorneys on either side. The spectacle of Giles Corey, a man who had almost reached the sunset of life, standing mute and being pressed to death, could never have occurred, and the old Bay State would have been spared the sack-cloth and ashes which she has so often worn because of the memory of those frightful days.

Lawyers constitute a part, and an important part, of the machinery of government. They are sworn officers of the court; and the attempt to administer justice without them would lead, as it has in some Mahomedan countries, into an arbitrary chaos of iniquity, confusion and corruption. Where the only test of human rights is the will of the strongest, where might makes right, there is no occasion for lawyers; but the profession is one of the necessities as it is an important factor in civilization. If challenged, therefore, I claim that we can give a reason and an unanswerable one for the existence of our profession, not only in a world organized as ours is, but also in one organized as reformers would say, ours ought to be.

SECOND—THE MEMBERS OF THE PROFESSION.

So much for the abstract, the profession as a profession. Pass now to the concrete, the profession as made up of its members. In other words, from law to lawyers.

We have briefly noted the common jibes which the attorney has been obliged to face, both in ancient and modern times; but do they represent the actual market value put upon those in the profession by those out of it; or are they only the hyperboles of thoughtless or irresponsible critics from whose merciless satire not even the church has escaped unscathed.

1.—“The lawyer in history” would be a topic pregnant with interest and full of information, but one so broad that it cannot be even touched upon in the limits of this article. In all the great conflicts between the people and the crown, the bar has ever been found on the side of the people, and foremost in the aggressive fight for civil liberty. Speaking for England, Mr. Gladstone once said “I have always felt that the bar is inseparable from our national life and from the security of our national institutions.” And the roll of England’s great benefactors would be incomplete without the names of her advocates and counsellors.

In the United States the profession has had even a wider scope than in England; and for two reasons, the absence of privileged classes and the existence of written constitutions. It bore a conspicuous part in the formation of our infant republic and it has sus-

tained an honorable and commanding position in maintaining it, whether in peace or war. It was a lawyer who wrote the first Declaration of Independence; It was a lawyer who wrote the second, in the Emancipation Proclamation. Of the fifty-six signers of the Declaration of Independence, twenty-five were lawyers, and of the fifty-five members composing the National Constitutional Convention, thirty-four were of the same profession. The people have recognized their worth, and have called them to the highest positions of public service. Of the twenty Presidents that have been elected by the people, and the four that succeeded to the office, twenty-four in all, twenty were members of the bar. The others were distinguished generals who were rewarded by the people for their military services with the highest gift within their power.

In all branches of government, executive, legislative, and judicial, they have sustained the honor and dignity of their profession. In this connection look at the history of our judiciary; scan the whole body, our State courts, our district and circuit courts, and last the supreme court of the United States. Let the long line pass in review before you, clad in their robes of office and adorned with ermine unspotted. Think of the power which they have possessed and exercised; think of the gigantic questions concerning life, liberty, and the pursuit of happiness, the private wrongs, the public perils that have confronted them, and then mark those who have been recreant to their duty. To the profession's and the country's credit be it said, the stricken ones would be few indeed. Yet who and what are the judges? From whose ranks are they taken? They are simply lawyers promoted—the Bishops of the profession.

2.—Step from the past to the present, from what has been to what is. I address myself now to the laymen in this audience, who honor me by their presence.

I will call to the bench your own personal acquaintance with members of the profession, and let it pass judgment on the truth or falsity of the insinuations. I put the question to each of you fairly and squarely, and I am content to abide by the answers which on reflection you will each honestly make. No one would be foolhardy enough to claim absolute perfection for anything human. It is of necessity to a greater or less extent of the earth—earthy. Have you forgotten the story of the church in a remote country town in New Hampshire which the people were attempting to organize? They met, and after the preliminaries were over, names were presented for admission to the organization. Mr. A's name was given, but Mr. B. arose and stated why he did not think Mr. A. was the right kind of a man to start a church. Mrs. C's name was presented, and Mrs. D. arose and gave her objections to Mrs. C., and so it went on until the alphabet had been run through and the list was well nigh exhausted; when a level headed old gentleman, whose common sense never deserted him, either in secular or religious matters arose and said, "Brothers and sisters,—if it please the Lord to organize a church in this town he must make it of such

as there be." No one would claim for the profession of the law absolute immunity from members who are cheats and frauds. No family, society or organization can escape such. But my point is that in just so far as any members are cheats and frauds they misrepresent the profession and are really not in it or of it, but are outside of it;—that the exceptions only prove the rule, that the tone of the profession itself is clean and high, and that these parasites are in a most feeble minority. The righteous condemnation last year of a judge of the court of appeals in New York by the bar association without regard to party affiliations is a striking illustration of this sense of professional honor. Again, therefore, I put the question to you who are not in the profession. What has been your personal experience? What is your own estimate of the members whom you personally and intimately know?

Have you met them in social relations? How do they compare with men of other professions and occupations? They have gone in and out of your communities these many years. How do they stand as men? Have you met them professionally? If so with what result? You have sought them with some supposed case of infringement of legal rights. Have they advised litigation, regardless of your rights, and for the sake of a paltry fee? I guarantee it to be the universal experience of attorneys that in a majority of all the cases that are brought to them to prosecute, advice is given against litigation, and of those to defend, advice in favor of settlement. The fact is, it is hardly possible to make a client more indignant than by telling him that he has no case. The fee for such advice, which saves him a deal of money and trouble, and perhaps of self-respect, comes always with ill grace plus a good measure of distrust and dissatisfaction. He is willing to pay a dollar for the pain of having his tooth extracted, but grudges fifty cents for advice to let his molar alone. Apropos of this is the remark of a client to one who was then at the bar, but whose merit has since placed him upon the bench. The client was a most persistent litigant and came one day to our friend with his vial of wrath. Our friend listened to all the story, considered the facts and the law most carefully, and finally told him that in his opinion he had no case. "Young man," said the client as he was leaving the office in disgust, "you may be a good lawyer, but you will never lead a revolution." The young man has since led something better than a revolution, he has led the bar, and the client, whose groundless case was conscientiously nipped in the bud, would undoubtedly be the first to cast a stone at the profession. You have gone to your attorney with business matters of great importance, so involved as to require patient and skillful unravelling by a trained mind. Has he ever been remiss in his duty, or given you aught but his best and most conscientious efforts? Has he worked for any interest but yours? You have carried to him secrets that you dare not trust to any other ear. Has he ever betrayed them? Has he not kept them inviolate, and protected your honor as his own? So sacred are the communications of client

to counsel that it is a fundamental principle of judicial procedure that the counsel has but to plead the privilege and no power can wrest them from his breast. To the honor of the profession be it said, that what the law makes a privilege, is regarded by its members as a sacred duty. The fact is (and every honest man must say so) that to no secular profession is entrusted greater responsibility. Property, reputation, yea, life itself, is placed in its hands and intrusted to its protection. Your property is safe; your reputation is shielded, your life is guarded as its own. The faithful lawyer is true to his client, true to himself, and true to the principles of eternal justice.

3.—Another test of the spirit and morale of the profession is the conditions of success in it. If the profession really is what it is pictured or rather caricatured, then trickery, duplicity, and even treachery would each be a *sine-qua-non*.

Here again I appeal to your personal experience. Will you not agree with me when I say that success in the law follows three things,—integrity, fair ability, and well directed industry? Show me a man that is a failure and I will show you one in whom one or more of these elements is wanting. He either isn't honest, or hasn't brains, or doesn't work.

Integrity I put first. It is the foundation rock, the corner stone. Brains and energy may carry one forward for a time, but without integrity true success will never abide. You have known many a man in this profession, of quite ordinary ability who succeeded because of the confidence people placed in him. In no secular profession does character count for more. It counts in the office. It brings the clientage one is proud to have. Many lawyers of keen intellect and good training never succeed in gathering about them the better clientage simply because of the lack of this one element. There is in all such relations a kin-ship of spirit. It counts too in the court room. The advocate who reinforces his words by the power of a well-grounded and well rounded character occupies a vantage ground from which neither logic nor wit nor eloquence can easily dislodge him. I said fair ability, not forgetting, of course, that genius makes itself felt here as elsewhere; but men of clear heads, good perception, fair reasoning powers, and above all the talent of common sense, will come in for a good share of success. You know such in every community. Men whose opinion is sought, and whose influence is an active motor for good. And then well directed industry, the steam in the cylinder, the power to do things; what Emerson calls "concentration," which he said "is the secret of strength in politics, in war, in trade, in short in all management of human affairs," and he cites these illustrations. "One of the high anecdotes of the world is the reply of Newton to the inquiry how he had been able to achieve his discoveries?" "By always intending my mind." "There was in the whole city but one street in which Pericles was ever seen, the street which led to the market-place, and the council house. He declined all invitations

to banquets and all gay assemblies and company. During the whole period of his administration he never dined at the table of a friend." "Stick to one business, young man," said Rothschild, "Stick to your brewery, (he said this to young Burton) and you will be the great brewer of London. Be brewer and banker and merchant and manufacturer, and you will soon be in the Gazette." This advice applies with extraordinary force to the profession of law, yet its members have the same tendency to switch off the main track that men exhibit in all other business. It seems to be one of the perversities of human nature, to think we are better fitted to do and therefore can do something outside our legitimate business rather than in it. The doctor goes into speculation, the lawyer into railroading, the civil engineer into condensed milk, and the result is the sinking of money earned in the natural channel in these outside vagaries, and the loss of reputation and success in the only business for which they have any aptitude or training, in one where they are wholly at sea.

I knew a lawyer who spent the rewards of a long life of professional labor in attempting to dam a part of the Atlantic ocean, redeem a marsh, and make the desert blossom as the rose. The lawyer has gone to his long rest, poor, and discouraged, while the Atlantic still flows the marsh with each recurring tide. I knew a physician whose passion was for agriculture, and what might have proved the product of a lucrative practice was converted into mortgaged farms, and over-due taxes. Vanderbilt's cook receives a princely salary not because he knows Greek or political economy, architecture, or medicine, but because he can cook, and sticks to it. For some years a Boston firm advertised "Short-necked collars for short-necked men," and as often as the advertisement struck my eye I thought, what a nugget of true philosophy is wrapped up in that expression. How much of the disappointment and failure of life comes from the attempted fitting of short-necked collars to long-necked men, or long-necked collars to short-necked men. In either event the result is disastrous. Neither style, comfort nor utility is subserved. It is for this reason that I have qualified industry by "well directed", a modification that is essentially important.

4.—I have spoken of the layman's real opinion of the lawyer, will you allow me in conclusion to give a lawyer's opinion of his brethren at the bar? It should have some weight in determining the character of the members as a whole. And here let me say that in no other profession will you find less jealousy, or a juster estimate put upon a rival's worth. This may be due to the fact that in no other is such an opportunity offered to judge of a rival's ability. The physician prescribes, but no one rises to expose an error, least of all the patient. The clergyman preaches, but no one steps forth to contravert a single statement. But from the beginning of a case to the end, from the time the writ is drawn till the execution is issued, the lawyer has an opponent, skilled in the art, watchful and keen and woe betide him if the slightest trip is made.

He may rest assured that few holes will be left unoccupied. It is this constant friction of mind with mind, this vigorous crossing of intellectual swords in open battle, that makes us estimate fairly the worth of our adversaries, the strength of their mind, and the integrity of their character. Another reason may be that we have no clashing schools and creeds. There is no homeopathy and no allopathy in the law, and therefore no fence about us to prevent clear vision. Nor is there any sect, any catholic or protestant, presbyterian or congregationalist, free-will or close communion, but there is one grand family in which the closeness of the relationship is still symbolized and retained in the appellation of "brother."

So then a lawyer's estimate of the profession should be worth something, and on this I would most cheerfully add the final word; that with each day's practice my respect for it increases, for the purity of its judges, the honesty of its attorneys, and the fullness of the justice which is meted out not merely in the court room, but in the manifold instances in commercial and social life where service from it is demanded. It is often weighed in the balance, seldom is it found wanting.

"And sovereign law, that States collected will,
O'er thrones and globes elate,
Sits empress, crowning good, repressing ill."

President Libby:—Before calling up the next item of business, in relation to a change in our judicial system, it may aid in understanding the situation if the report of the last special meeting is read, at which the report of the special committee was made and considered, and the secretary will please read.

The secretary thereupon read the record of the last special meeting.

Mr. Leslie C. Cornish:—I will also state that I have sent copies of the bills to each member of the association. There are three bills, the bill of the committee, bill of brother Crosby and bill of brother Carleton, and I have received only three letters in regard to the subject, one desiring one bill, one another and the third in favor of any bill that would make the bench half Democratic and half Republican.

President Libby:—I assume that all of the members have received copies of the printed bill with amendments offered, one by brother Carleton and one by brother Crosby. I will say that the president and secretary reported to the legislature the two bills unanimously recommended by the association, and I understand that they have been reported back favorably by the committee to which they were referred and are now on their passage through the legislature. This leaves, therefore, bill A for consideration, with the amendments and substitutes that have been offered. We have here some printed copies of the report, so that if there are any members of the association that feel it would aid them in the consideration of this matter to have a copy, I will have them distributed.

I would say in connection with this matter, what does not appear, perhaps, fully by the record of the last meeting, that the committee in submitting this bill A felt that they were dealing with a difficult subject matter which changes the constitution and organization of the court, and they attempted to deal with it in such a way, so far as possible, as to interrupt as little as might be the existing order of things. In other words, to make the changes depend somewhat upon the vacancies which might occur in the present bench. They were also of the opinion that it was wiser in reorganizing the law court to keep it in touch with the work of the trial terms. We found at the last meeting that there was a difference of opinion among the members of the bar, some favoring a pure law court and others a law court the judges of which should at times hold *nisi prius* terms. I do not know that, as a member of that committee, I can say anything more than that we recognized the fact that we were dealing with a profession in which the conservative tendencies are strongly marked and by which abrupt changes are not regarded with favor, and we did the best we could, not feeling altogether that the highest wisdom, perhaps, is expressed in the bill which we have submitted. But we also thought it a matter in which the whole bar ought to come together and unite, if they could, upon some plan of action. This is now the subject for consideration and, perhaps, it will aid if these bills are read, and I will read them.

A.

Bill relating to Supreme Judicial Court and to abolish Superior Courts in this State.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SEC. 1. The several superior courts existing in this State are hereby abolished, and their jurisdiction and all causes and matters returnable to or pending therein shall be transferred to the supreme judicial court in their several counties, and have day therein as if originally entered therein or made returnable thereto

SEC. 2. The number of justices of the supreme judicial court shall be reduced to five, and this reduction shall be made from time to time as vacancies shall occur in said court by death, resignation, or by expiration of term after July 1, 1894, until the number shall be reduced as aforesaid.

SEC. 3. There shall be appointed five circuit judges, two of whom shall be appointed immediately after the passage of this act, and the remainder from time to time as vacancies shall occur as provided in section 2 of this act. The salary of the circuit judges shall be \$3,500 per annum, payable quarterly.

SEC. 4. The circuit judges shall, under the direction of the chief justices, hold trial terms of the supreme judicial court in the several counties, which may also be held by justices of the supreme judicial court, and do all other things in vacation that a justice of said court may do.

SEC. 5. No justice of the supreme judicial court shall sit in the law court upon the hearing of any case tried before him, or in which any of his rulings are the subject of review, nor take any part in the decision thereof.

SEC. 6. The time of holding the annual sessions of the law court in the several districts shall be as follows: For the western district, at Portland on the second Tuesday of July; for the middle district, at Augusta, on the first Tuesday of December; for the eastern district, at Bangor, on the second Tuesday of June. In addition to the trial terms of said court as now provided by law, the following additional terms shall be held: In Aroostook County, at Caribou, on the first Tuesday of June; in Kennebec County, at Augusta, for criminal business only, on the second Tuesday of January, June and September; in Cumberland County for criminal business only, on the second Tuesday of February, May and September.

SEC. 7. On motion of either party, an order may be entered at the term in which an action is marked, "law," on the docket of the court in any county that the same shall be entered, and heard at the next law term to be held in any district in the State which shall commence more than thirty days after the case is marked "law." When any case is continued without argument in any law district, it shall, unless otherwise agreed by the parties, be transferred to the docket of the court in any district where a law term is next to be held which shall commence more than thirty days after the adjournment of the law term from which a transfer is made, and shall then be in order for a hearing.

SEC. 8. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 9. This act shall take effect when approved.

B.

Submitted by L. T. Carleton, Esq.

Bill relating to Supreme Judicial Court and to abolish Superior Courts in this State.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. The several superior courts existing in this State are hereby abolished, and their jurisdiction and all causes and matters returnable to or pending therein shall be transferred to the supreme judicial court in their several counties, and have day therein as if originally entered therein or made returnable thereto.

SECTION 2. The number of justices of the supreme judicial court shall be increased to ten.

SECTION 3. No justice of the supreme judicial court shall sit in the law court upon the hearing of any cause tried before him, in which any of his rulings are the subject of review, nor take any part in the decision thereof.

SECTION 4. The time of holding the annual sessions of the law court in the several districts shall be as follows: for the Western District, at Portland, on the second Tuesday of July; for the Middle District, at Augusta, on the second Tuesday of December; for the Eastern District, at Bangor, on the second Tuesday of June. In addition to the trial terms of said court as now provided by law, the following additional terms shall be held: In Aroostook County, at Caribou, on the first Tuesday of June. The trial terms of said courts shall be held in Kennebec County, at Augusta, as follows: for the transaction of civil and criminal business, on the first Tuesdays of April and September; for the transaction of civil business only, on the second Tuesday of November, and for the transaction of criminal business only, on the first Tuesday of January.

SECTION 5. On motion of either party, an order may be entered at the term in which an action is marked "law," on the docket of

the court in any county, that the same shall be entered and heard at the next law term to be held in any district in the State which shall commence more than thirty days after the case is marked "law." When any case is continued without argument in any law district, it shall, unless otherwise agreed by the parties, be transferred to the docket of the court in any district where a law term is next to be held which shall commence more than thirty days after the adjournment of the law term from which a transfer is made, and shall then be in order for a hearing.

SECTION 6. Section 28 of chapter 77, is hereby amended by striking out the word "five" in the the third line thereof and inserting instead thereof the word "six."

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 8. This act shall take effect when approved.

C.

Submitted by Hon. Josiah Crosby.

STATE OF MAINE.

In the year of our Lord one thousand eight hundred and ninety-three.

An act relating to Supreme Judicial Court and to abolish Superior Courts in this State.

Be it enacted by the Senate and House of Representatives in legislature assembled, as follows :

SECTION 1. The several superior courts existing in this State are hereby abolished and their jurisdiction and all causes and matters returnable to or pending therein shall be transferred to the supreme judicial court in their counties and have day therein as if originally entered therein or made returnable thereto.

SECTION 2. The number of justices of the supreme judicial court shall be increased to ten, and shall consist of a chief justice and nine other justices, and shall be in two divisions. * The chief justice with four others shall be designated as law justices and shall constitute the First Division. The other five justices shall be designated as Nisi Prius Justices and shall constitute the Second Division. The chief justice shall by virtue of his office be a member of the First Division. The other four Law Justices shall be designated from the other nine Justices by the Governor with the advice and consent of the Council, or appointed and commissioned in manner provided by the Constitution. Those designated from the number of the present Justices shall be members of the First Division to the expiration of their present commissions. Those newly appointed, whether in the First or Second Division, shall hold their respective offices for the term of seven years from the date of their several commissions. As vacancies may arise in either Division by death, resignation, or in manner provided in the Constitution, new appointments shall be made.

SECTION 3. The law justices shall discharge all the duties in law and equity and in all legal proceedings, which at the time when this act shall go into effect had been discharged by the present justices sitting as a law court, and no other duties in their capacity as justices of the supreme judicial court. All questions

shall be decided by a majority. The Nisi Prius Justices shall discharge all other duties in law and equity and in all legal proceedings which at the same time had been discharged by the several justices, and no other duties in their capacity as justices of the supreme judicial court. The salary of each of the ten justices shall be three thousand five hundred dollars per annum payable quarterly.

SECTION 4. The Nisi Prius terms shall be so held by the justices of the Second Division, under the direction of the chief justice, that their services shall be divided to each county as equally as may be. The time of holding the annual session of the law court shall be as follows: * for the Western District at Portland, on the second Tuesday of July; for the Middle District, at Augusta, on the first Tuesday of December; for the Eastern District, at Bangor, on the second Tuesday of June. In addition to the trial terms of said court as now provided by law, the following additional terms shall be held: In Aroostook County, at Caribou, on the first Tuesday of June; in Kennebec County, at Augusta, for criminal business only on the second Tuesday of January, June and September; in Cumberland County for criminal business only, on the second Tuesday of February, May and September.

SECTION 5. On motion of either party, an order may be entered at the term in which an action is marked, "law," on the docket of the court in any county, that the same shall be entered and heard at the next law term to be held in any district in the State, which shall commence more than thirty days after the case is marked "law." When any case is continued without argument in any law district, it shall, unless otherwise agreed by the parties, be transferred to the docket of the court in any district where a law term is next to be held, which shall commence more than thirty days after the adjournment of the law term from which a transfer is made, and shall then be in order for a hearing.

SECTION 6. The main purpose of this act being to so constitute the supreme judicial court that one Division shall have sole jurisdiction of all matters usually cognizable by the law court as heretofore established, and that the other Division shall discharge all the duties usually cognizable by the justices at nisi prius, this act shall in all respects be so construed as may best effectuate that purpose. *

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 8. This act shall take effect when approved.

Mr. J. H. Drummond:—Mr. President, All three of these bills contemplate the abolition of the superior courts. Now as to the superior courts outside of Cumberland county I cannot speak; but I desire to enter my most earnest objection against the abolition of the one in my county. It may be that it was a mistake to create some of them, but it was not a mistake I believe to create the Cumberland court, the first to be established in the State. It now has a large amount of solid criminal business and is in session and hard at work nine months in the year, and whatever may be done with the rest of them, I do not believe it would be wisdom or good policy to interfere with the present arrangement of the superior court in Cumberland county.

Mr. Josiah Crosby:—Mr. President, I attended the meeting of this association in December when this question of bill A, with the

other bills reported came up, and I was myself in favor of something far more drastic in the re-organization of the supreme court than appears in the report of the committee, because I had been of the opinion a good many years and so talked the matter up with my brother lawyers, that the law court should be completely dissevered from the *nisi prius* court and be completely independent, as independent as it is possible to make a court. I think I have seen practical objections to the constitution of a court in which the final questions of law in review were to be participated in and settled by the same judge who made the rulings at the jury term or participated in, as I might say, by his brother associates, his family, the same court. And this is not the slightest impeachment of their integrity. It is simply human nature that a man who has made rulings in court in the course of a trial gets biased and makes rulings that in his pride of opinion he holds to afterwards, and so it is with his associates to a greater or less extent. An attempt was made to remedy this by providing in the act of 1852 which re-organized the supreme court that the judge who made rulings in the *nisi prius* court should not participate in the final review of the questions of law that might grow out of it. But I never thought much of that provision; I never thought that it amounted to much of anything in practice. I think the judge who made the rulings would have about the same influence with the other judges, as without the prohibition. They would talk the matter over with him, get his views about it and be naturally inclined to support him and they would expect to be supported in return when they made rulings. Not that they would be conscious of any impropriety in this, but they would be simply acting human nature and that is all there is to it. That law remained upon the statute book for three or four years till 1855 I think it was, and as far as I can remember, I was in full practice at that time, it was considered a sort of dead-letter, amounting to nothing, and was repealed and it has not been in existence since. There is another provision relating to the same matter which has been on the statute book about twenty years. It prohibits the judge who sits at *nisi prius* giving any opinion to the jury upon questions of fact. It is very specifically set forth, but I never found that it amounted to anything in my practice. The judge will charge the jury and raise arguments in the most one-sided manner fully as much as counsel do, for half an hour or an hour and with a great deal of force, vim and emphasis, giving every one who listens to understand where the bent of his mind is and what he wants the verdict to be and then concludes, "Gentlemen of the jury, I have no opinion about this myself. It all belongs to you. Decide just as you think best." Now that is the way that statute has been treated and so I never thought much of it. It may have effect with some of the judges. I have sometimes known judges to give charges in very important cases when I thought they adhered strictly to the law; but I have seen other instances in which they paid no attention to it.

I would like to have an independent court utterly divorced from

every possible influence you could possibly think of and for light upon the subject I looked into such books as I had in my office and I found that there are courts, especially in the Western States, where the law court is completely divorced from *nisi prius* courts. I found such to be the case in Minnesota, and when there at one time I inquired of some attorneys about it and they said the judges of the supreme court never had anything to do with the trial of jury causes, and they also said they liked the system. That is the only court of that kind that I have any special acquaintance with and that is the only acquaintance I had about that. But I looked into Simpson on "Statute Law," and I find this, which I will quote. He says: "In several States there is a provision that no judge shall sit at a general term in review or on appeal of any decision made by him or by any court of which he was at the time a sitting member." I do not know precisely what that word "sitting" means, but I suppose any court of which he was an associate. At any rate, it goes a good deal farther than any provision we have gotten up here. It precludes any one, not only the judge who gave the opinion but other judges who had some relation to the court; and he cites there this provision as in New York, New Jersey, Illinois, Maryland, West Virginia, Arkansas, Oregon and South Carolina, eight States. And I find something else. I find that in Georgia, Oregon, Wisconsin and Alabama the supreme court, the final and last resort, have nothing but appellate jurisdiction, having no original jurisdiction; but I am unable to state from that, that the judges of the court of last resort do not preside at jury trials. I cannot state about that. In Minnesota it is laid down that the supreme court has "jurisdiction original in all such remedies in cases as may be prescribed by law and appellate jurisdiction in all cases of law and equity, but no trial by jury can be had therein." That is laid down in Hubbell. I suppose there is no sort of question that in New York the court of appeals, the court of last resort, has jurisdiction of all appeals from the general terms and the judges do not sit at the trials of causes. In Massachusetts we know that they can, theoretically, participate in the trial of causes. Practically, however, they seldom do it. Their superior courts have jurisdiction in all criminal matters entirely and exclusive jurisdiction in case of murder. But there are some cases referred to the supreme court in which they may and do participate occasionally. Here is a letter which I received from a brother lawyer, brother Linscott; "Our supreme court," he says, "is gradually becoming a court of law only, like the United States supreme court. Their trials are confined principally to law cases and the most important cases of contract and tort. The tendency in this direction has been and still is very strong. The superior court has exclusive jurisdiction in criminal matters, including capital cases, and concurrent jurisdiction in all other cases except probate and matters involving equity. Practically the system works well and the lawyers are satisfied with the change. Judges of the supreme court who try cases at *nisi prius* still sit in banc to pass upon the ques-

tions of law arising in cases tried by them, but such instances are by no means numerous, especially in cases tried by a jury." So that in Massachusetts they have almost brought themselves up to the point which I advocate here, that is a complete divorce, but not absolutely so. In criminal cases it is entirely so.

Now there is the United States supreme court. I take it that practically the judges at Washington do not sit in the trial of causes. I believe they may, theoretically. But in point of fact they have business enough to do at Washington and seldom if ever sit in the trial of a cause, as I understand it.

President Libby :—I believe they hold once in two years, so as to conform to the law.

Mr. Crosby :—Now they have in the United States court, as I understand it, the district court, the circuit court, the circuit court of appeals and supreme court at Washington, four courts. This circuit court of appeals was established two years ago I think, and it has in the act creating it this provision, that no judge before whom a case or question may have been tried or heard in a district court or existing circuit court, shall sit in the trial or hearing of such case or question in the circuit court of appeals. There is that provision, and it shows the disposition there is among lawyers, and lawyers of the highest standing in the highest courts, to make the judges perfectly independent so that they shall not be trammelled by anything that happens to them in the trial of causes, and the tendency is, I think, to have a complete divorce. In some of the States it is complete, in others partial. But as I said before, it is no new thing with me. I have been desirous of seeing this brought about for the last fifteen or twenty years, and I hope to live long enough to see it.

Mr. J. H. Drummond :—Mr. President, this proposed legislation has once been a law of the State and like the law to which my brother has referred was repealed, and one of the grounds for the repeal was that it was not in conformity to the constitution; that a supreme judge is a supreme judge and that there was no bond of union between them and the other court. Some of the older members of the bar will remember about it but I doubt if many of the younger ones do. The repeal was allowed by general consent. They were not satisfied with it, and in addition to that it was held that you cannot make a distinction in the duties of the judges of the supreme court and have two courts out of it. I concur in the desire that the supreme court shall be only a law court, but in my judgment, if the people will stand it, the only way is to reduce the number of judges to five and have a separate supreme court. This first bill provides that the supreme judges shall do circuit duty. Of course they must do *nisi prius* work; but brother Crosby's bill doesn't give a sufficient force for that purpose. These *nisi prius* courts are to be held by five judges, yet as the law now stands there are six courts which meet on the same day, one more term in number than there are judges in the bill. I do not know how much

thought has been given to this matter but no motion has been made, and I would submit a motion that it is inexpedient to ask for any change of the law in this respect at this session of the legislature.

Mr. Crosby :—I am very glad to hear brother Drummond say that he concurs in the principle I am contending for, and that he would like to see it established, although he thinks it cannot be brought about under the present state of our law and constitution. Perhaps it may be so. If we can get it I had just as lieve see it under any other form. I have no particular attraction to any specific form of doing it. If ten judges are not sufficient I have no objection to having eleven or twelve. But I think he has stated one thing a little too strongly. He says this has been tried once in the State of Maine. Precisely not so. In 1855 there were seven judges and a law was enacted making four of them the judges of the law court but at the same time giving them the same jurisdiction they had before at *nisi prius* and the other three judges had jurisdiction only at *nisi prius*. There was not that same separation that is contemplated in the matter about which we are now talking. There is that difference.

Now in relation to the other matter, the constitutionality of it. I think he has stated that a little too strongly. "It was regarded as unconstitutional," he says. Well, some might have regarded it so, but there was never any such question raised before the court and none was ever argued or decided and nothing of that kind appears in the books. It remained upon the statute books two years and—

Mr. Drummond :—Three years. You and I helped repeal it, you know.

Mr. Crosby :—Did we? I didn't think much of it and I do not at all wish to see that restored. But I don't say this upon the ground of its unconstitutionality at least, because I never so regarded it and that question was never raised in court; that is, there is no record of it. A judge who presided on the bench during a part of that time was Ether Shepley. The four judges who constituted the law court were Ether Shepley, John S. Tenney, John Appleton and Richard D. Rice. They practiced under that system two years and three of them were chief justices when they finally left the bench. Now I think it is strong to say that that law was repealed because it was unconstitutional.

Mr. Drummond :—Judge Cutting at one time was one of the four, and he always held that it was unconstitutional. In the debate which took place at the time of its repeal I took that ground, and no one attempted to question it. I don't know whether it came to my friend's attention or not. As I understood it, it was generally held to be unconstitutional and for the reason that it undertook to discriminate in the constitution and duties of the court.

President Libby :—You will notice that the first bill avoids any question of that kind by making the additional judges statutory judges, calling them circuit judges.

Mr. Crosby:—I feel about it in this way, I have not desired to see this bill carried through unless it went with the general approbation of the members of the bar. I should prefer, as my brother has suggested, to have the matter postponed for two years longer and let the bar think of it before they come to any decision if they are not ready for the decision now. Even if I knew I could carry this measure by a majority here and also in the legislature, I should not want to do it unless there was general approbation of members of the bar. I do not object to the motion of my brother Drummond to postpone the matter.

Mr. Drummond:—I would make the motion to postpone until our next annual meeting.

Mr. Crosby:—I don't object to that.

Mr. J. W. Mitchell:—Mr. President, I would like to inquire what the special reasons are for postponing a reform, if this is a reform, and it seems to be regarded as such. Why not press it at the present time, after having undertaken it, as well as any other time?

Mr. H. M. Heath:—Mr. President, some of us here have been considering whether it would not be a good idea to recommend that a commission be appointed this winter by the Governor, of three or five members, with whatever matter of detail members of the bar think proper, to consider this matter during the next two years and report to the next legislature. Of course this would give such a commission more time and they would make it their business to go into an exhaustive and critical study of the whole situation. The association did me the honor to make me a member of the committee on law reform, and that committee has made a report which is apparently unanimous. I would like to say that I never had the honor to participate in any discussions of the committee and never to meet with them, and never knew what they did until their report. Various circumstances make it impossible for me ever to know anything about it except in a general way. So in making the suggestion I am not undertaking to kill any child for whom I might, on the face of it, appear to be partially responsible. I am not in favor of this bill that was reported by the rest of the committee, and I do not know, and have not fixed views enough to enable me to have any convictions in regard to the other two bills, and I think that is the state of mind of most of the members of the bar, as I find in talking with them. There is a general desire that something should be done, but what should be done there is an interesting variety of opinions about.

Now wouldn't the matter be better considered and better looked into by a commission sitting under the responsibility of law, making it their business to look into it and report? I only offer this as a suggestion.

Mr. Drummond:—I am entirely content with that.

Mr. Crosby:—I think myself that is a very wise suggestion.

Mr. Drummond:—It will answer the purpose. I think we ought to have reform, but I do not think either of these measures would reach the desired result.

Mr. Heath:—If that is acceptable to brother Drummond, and he will withdraw his motion, I will make a motion.

Mr. Drummond:—I will, with consent, withdraw the motion I made.

Mr. Heath:—I move that we recommend that a commission of five, or three, whichever the association thinks best after general discussion, be appointed to investigate the whole subject matter and report to the next legislature as to what changes, if any, will be needed in the judicial system of the State.

President Libby:—I can state in behalf of the committee, that while this is not a matter alluded to in the address that I had the honor to deliver before the bar association a year ago, yet when the committee came together there seemed to be so strong a desire that something should be done in the way of re-organizing the court, especially to reduce the number of law judges and get more frequent terms, and therefore more prompt decisions of law cases, that this matter, in connection with other matters, was divided up among the committee to draft a bill and report. Our committee had four meetings, I think, and before acting upon some of the matters reported, we consulted with such justices of the supreme court as were disposed to give us the benefit of their judgment as to what changes to make. That does not cover bill A, but other matters more particularly. But in dealing with the question of the reconstruction of the court we dealt with it as best we could, and in the report that we submitted at the special meeting the lines within which we sought to work were indicated, avoiding certain difficulties and at the same time working out the change without too much interruption of the present order of things.

Now I do not think there is any member of the committee that feels that this solution is necessarily the best one, or perhaps the wisest; but it is the best we had to offer. I want to say that in that report we said we believed it was the sentiment of the bar in the several counties that the superior courts had better be abolished. I concurred in that statement. I did so for the reason that, without making a poll, I received so many expressions of opinion from my own county bar in favor of abolishing the superior court and putting more work on to the supreme court in our county whose *nisi prius* terms have now become of comparatively little work and importance, that I believe this expressed the sentiment of a majority of the bar of Cumberland county. Now I only say that because brother Drummond appears here and protests. Very likely there may be a sentiment of quite a number of the bar still in favor of the superior court; but from the expressions of opinion I heard I was led to believe that the sentiment was on the whole favorable to the abolition of the superior and putting more work on the supreme court in our county.

Mr. W. C. Philbrook :—Mr. President, I did not notice whether brother Heath's motion was seconded, and if it was not of course properly before the meeting, what I was going to say perhaps would not be in order; but at the risk of violating the rule of order I desire to suggest this point; there is a rider attached to the principal matter under discussion which might be carried through, it appears to me without meeting any of the objections which are being made to the principal element of the bill. I refer to section 7 of the original bill, and also to the provision relating to law terms. There is no doubt that at this session of the legislature, a law term might be established at Augusta in December without opposition arising from the other points under consideration. The provisions in section 7 might also be enacted without any of the objections which have been raised. At the risk of being out of order I make this suggestion for the consideration of this association before it adjourns, whether or not it would be a good plan to ask for a law term in the winter and also the enactment of section 7.

Mr. L. T. Carleton :—Mr. President, I am decidedly impressed with the idea advanced by brother Heath and fully believe it is the proper course to pursue here to-day, and if that motion meets with the approval of the association generally, I should be opposed to making any patchwork at this session of the legislature, and would suggest that we submit the whole matter to the commission.

Mr. A. M. Spear :—Mr. President, if this matter is going to be submitted to a commission it seems to me that the report of the commission ought to be passed upon by this association at least, as well as the legislature. In my opinion the bar association of the State is far more competent to pass an intelligent judgment upon a bill which any commission might present than the legislature itself could be, and perhaps as competent, ordinarily, to pass sound judgment as the commission itself. Therefore I would suggest that if this matter is to be placed in the hands of a commission, the report should be made in some way to this association before it goes to the legislature.

Mr. Heath :—I have now put my motion in form which may meet the idea of brother Spear. *Resolved*, that the president and secretary in behalf of the bar association request the legislature to create a commission of five members to enquire into the expediency of revising the judicial system of the State, and to report their recommendations to the next legislature on the first day of its session. It strikes me that perhaps that would meet brother Spear's idea.

President Libby :—If the members will permit me to express an opinion upon this matter I desire to do so, but brother Spear has somewhat anticipated my ideas. This is the State Bar Association. It is supposed to represent, and should do so, largely the sentiment of the bar throughout the State. It was instituted, among other things, for this very purpose—to consider law reform, and constitution of the courts as well as procedure. It seems to me there is

danger that if five men undertake by themselves to develop a scheme of judicial machinery without consultation and touch with the members of the bar throughout the State, you will have reached just the result which has been reached in regard to this report by a special committee of your own association who have undertaken to deal with this matter, to get at largely the sentiment of the bar with reference to it wherever they happened to meet members of the bar throughout the State, and have reported at a special meeting. There was I think an attendance of between thirty and forty here at that special meeting. Different views on certain features of the bill were developed and it was postponed to the annual meeting in the hope that there would be a much larger attendance, that sentiment would begin crystalizing round some definite form of legislation. Now it strikes me that if you attempt to deal with this matter by a State commission reporting to the legislature where the matter has not undergone discussion and shaping by the bar itself, you will land just where you are to-day, no general unanimity of sentiment as to what is desired, and I should certainly rather see the motion as originally made by brother Drummond prevail and refer this question to a special committee, if you can raise one that is competent to deal with it, to report at the next annual meeting of the bar. I think if the bar ever does agree upon any plan of action that the legislature naturally will be inclined to listen to the recommendations of the bar in a matter where they are competent to deal with the subject, and it seems to me you will get a better result than you possibly can out of an independent commission which out of its own mind creates and formulates a plan and reports to the legislature, and then the bar says: "We don't know anything about this; it strikes us as a new matter; we haven't participated in the solution of the problem." And it seems to me you will make no greater progress than you have to-day.

Now if the State bar association is worth anything, if it is the organic expression of the legal sentiment of this State, it is competent, and ought to be able, to deal satisfactorily with a subject of this kind. You will pardon me, therefore, for having submitted my own views, not being upon the floor, upon this matter.

Mr. Carleton:—At the suggestion of several members of the association I rise to submit a motion, inasmuch as I understand brother Heath's motion is not before us.

President Libby:—I do not know but that it is fairly before the meeting if brother Drummond has adopted it as a substitute.

Mr. Carleton:—My motion is simply preliminary to the passage of that resolution. I have no doubt that this committee devoted a great deal of hard study and work to this subject and that their report is entitled to a great deal of weight and consideration, and I believe this association so feels. So far as my limited acquaintance with the sentiment of individual members of the association goes I am led to believe that there is a strong feeling that we should have a distinctive law court, and that feeling extends to the members of

the bar of this State. I certainly am in favor of such a system. Now as the chair has so aptly remarked, this matter has been discussed; a large number of the members of the profession is present to-day, and I think we are as well prepared to act upon some features involved in that bill as we ever will be, and I in common with others, desire to have taken the sense of the members present upon this question, and I accordingly offer the following resolution and ask that it may be acted upon:

Resolved: That it is the sense of this association that there should be a distinct law court established in this State at the earliest practicable moment.

By general consent the resolution was entertained by the chair and was unanimously adopted.

Mr. Heath:—In regard to the other motion, I took it for granted that the commission appointed would keep itself in touch with the bar association. But suppose we should strike out from that motion the requirement to report to the next legislature and insert a direction to report on the first Wednesday of January 1894 to the governor and council. Then we should have their report at the next annual meeting of the bar association, and the bar would have the matter for a year to mull over. Whether they would not tear it all to pieces I don't know.

Mr. Fred V. Chase:—Mr. President, it seems to me that this question is one which should practically be decided by the Star bar association. It is a matter certainly in which this association is more particularly interested than any other body of men or any individuals. Now I confess I cannot see the advantage of submitting this matter to a commission, as has been suggested. Certainly, it is fair to presume that the legislature of the State when unanimously requested by the State bar association will make such changes in our present judicial system as the association deems wise. Now I agree fully with brother Spear's suggestion, that if a commission is to be asked for, the report of that commission should first be submitted to this association and receive its approval. I have yet to learn, and I think it has not been suggested here, what particular advantage a commission appointed by the legislature in accordance with the terms of the motion proposed, would have over a committee appointed by this association. Now it seems to me Mr. President, that it is quite the unanimous view of the bar of this State that some change is desirable in our judicial system, but I do submit that the matter has not yet been so fully discussed or that interest taken in it as to digest the propositions made by the committee and place us in a position to act upon it. The sentiment of the bar of this State it seems to me has not yet been focused upon any plan with certainty. Now I for one, Mr. President, am decidedly opposed to the abolition of the superior court in the county of Cumberland, and I protest against it. Of course these matters of detail we are not ready to discuss at present, and I will not enter into that; but I submit that we accomplish all the results which we

hope to from a commission, by leaving this matter in the hands of a committee of this association. I do not know where the legislature would look for a commission except among the members of this association which comprises largely the leading lawyers of the State. So that I should like to be informed what advantage is to be gained by asking for a commission. It seems to me that it is a matter for this association to settle, and when we have devised some plan upon which we are agreed we can feel quite confident that the legislature will listen to us. I should certainly favor leaving this matter in the hands of the committee for farther advisement, and with the end in view of crystalizing the sentiment of the bar in the different counties of the State.

Mr. A. L. Lumbert:—Mr. President, I suppose one idea here is to get at something and do it, eventually. As the chair has suggested, this has once been ground through the mill of this State bar association. I don't really know whether I belong to the association or not, because I suppose that is more or less contingent upon whether I have remitted.

Mr. Cornish:—Wholly, as I understand it.

Mr. Lumbert:—For the purposes of this case I am going to assume that I do and therefore have a voice in the matter. I think this is a large institution, but I don't suppose it is necessary to go into a discussion of whether it is greater or smaller than the legislature. either this legislature or the one that will come two years hence. But the legislature will be the tribunal that will finally make this bill a law or refuse it a passage. Now it seems to me if we really want to do any business and not have child's play about it that we should have a commission appointed by the governor upon which of course would be some of the prominent lawyers of the State and probably with some compensation which would insure the subject the attention which it deserves. Then again, if it is reported to the legislature it will also—well, it seems to mean business, assuming a little more importance and people will be on their guard and talk about it more, and, in short, it will look more like a serious matter, and we shall get at something about it. So far as our superior court is concerned (Aroostook county), we already have three bills introduced to abolish it at this present session. And really, it seems to me that the proposition of brother Heath is something we can get at and is more like business. The attention of people will be almost necessarily drawn to it, and even the judges will say: "It looks as though this meant business," and they will all get together and get at something, and then we shall know whether we want it or not. To me at least that looks to be the proper view to take of it.

President Libby:—The question is upon the motion presented by brother Heath, and as amended by him it now reads:

Resolved, That the president and secretary, in behalf of the bar association, request the legislature to create a commission of five members to enquire into the expediency of revising the judicial sys-

tem of the State, their report to be filed with the governor and council on the first day of January, 1894. The resolution was adopted.

Mr. Spear :—I have a bill here which I understand the American Bar Association desires presented to this State as well as every other State in the Union, for the purpose of securing uniformity in the administration of law in certain directions, and with the permission of the chair I will read the bill. It is as follows :

An act to authorize the appointment of commissioners for a uniformity of legislation in the United States.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Sec. 1. Within thirty days after the passage of this act, the governor shall appoint, by and with the consent of the council, three commissioners, who are hereby appointed a board of commissioners by the name and style of "Commissioners for the Promotion of Uniformity of Legislation in the United States." It shall be the duty of said board to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates, descent and distribution of property, the acknowledgment of deeds, execution and probate of wills, and other subjects ; to ascertain the best means to effect an assimilation and a uniformity in the laws of the United States, and especially to consider whether it would be wise and practicable to join with the other States of the Union in sending representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several States, and to devise and recommend such other course of action as shall best accomplish the purpose of this act.

Sec. 2. This act shall take effect when approved.

President Libby :—In connection with this matter and as a member of the American Bar Association, and one of the local council for this State, I will say that we were requested to bring this subject to the attention of our State bar association so that they might take action, in connection with the legislatures of other States, and bring about, if possible, a convention of the commissioners of different States to see whether uniformity in legislation relating to the execution of deeds, the descent of property and some other matters was expedient. Seven States have already passed similar acts, and commissioners have been appointed, and the bar association has continued its standing committee from year to year, deeming it a matter of so much importance that it would be brought to the attention of each legislature. I think the reading of the bill will indicate clearly enough the importance of the matters to be considered, and certainly it is a step in the right direction. A very elaborate printed report has been made by the committee of the American Bar Association, which perhaps is in the hands of a good many members, which states the reasons in detail why on certain subjects there ought to be greater uniformity in the legislation of the several States.

On motion of Mr. Spear the association voted to recommend to the legislature the passage of the bill.

Mr. Philbrook:—Brother Spear laid upon my desk near the opening of the meeting the following, and requested me to present it to the association:

“To the Honorable Senate and House of Representatives, in Legislature assembled:

The Maine State Bar Association respectfully represents that it is now not only desirable, but highly necessary, that full and complete series of the reports of every State in the Union should be contained in the State Library; that the librarian's report discloses the fact that nearly five hundred volumes are needed to complete these reports.

We, therefore, in behalf of the Maine State Bar Association, request your honorable body to make a special appropriation sufficient for the purchase of the needed volumes.”

I submit this, and also submit the following resolution.

Resolved, That the President and Secretary, in behalf of this association, be requested to sign and present the petition relating to purchase of State reports, to the legislature now in session. The resolution was unanimously adopted.

Mr Carleton submitted the following resolution which was unanimously adopted:

Resolved, That the next annual meeting of this association be held in the city of Portland.

Mr. Drummond:—Mr. President, we have lost one of our judges, and this morning I was requested to submit some resolutions, which I now do, though having had but scant time in which to prepare them.

Resolved, That the Maine State Bar Association has learned of the death of Judge William Wirt Virgin with the deepest sorrows.

In his career as a soldier, a lawyer, reporter of decisions and justice of the supreme judicial court, he has commanded our respect, admiration and affection.

We have lost a learned, upright, impartial and courteous judge whose power of analysis and familiarity with the decisions of our court, enabled him to apply the law to the almost infinite variety of facts so clearly as to ensure the discovery and maintenance of the truth.

But to the members of the bar he was more than a judge; he regarded us all as his personal friends, and he had the rare faculty of sustaining, as a judge, the dignity of that high office, and yet, as a man, of mingling with his friends with the familiarity of companionship.

We all mourn the loss of an honored judge and a trusted friend, but upon those of us who have shared his labors and enjoyed his friendship during all the years of his public life, the blow falls with a severity which words have no power to describe. But we have the consolation of knowing that while the memory of his personal

qualities may pass away with the lives of his associates, his reputation as a judge rests securely upon the recorded opinions which have come from his pen.

Resolved, That the Committee on Legal History be requested to arrange for the preparation of a biography of Judge Virgin, to be presented at our next annual meeting and published with our proceedings.

The resolutions were unanimously adopted by a rising vote.

President Libby:—The next matter in order is the election of officers. In this connection I would say it seems to me better for the association that there should be a change in its head, and I should prefer not to be considered in the light of a candidate for the office. It seems to me that two years is quite enough, and I make this statement to leave members entirely free in relation to it.

On motion of Mr. F. V. Chase it was voted that the chair appoint a committee of three to prepare and report a list of candidates for office for the ensuing year to be voted upon. Thereupon the chair appointed as the committee Messrs. F. V. Chase, H. M. Heath and A. R. Savage. Subsequently Mr. Chase from the committee reported a list of candidates, and in accordance with the report the following officers were elected by ballot for the ensuing year:

OFFICERS—1893-94.

PRESIDENT.

Charles F. Libby,.....Portland.

VICE PRESIDENTS.

Charles F. Woodward,.....Bangor.

Orville D Baker,.....Augusta.

Albert R. Savage,.....Auburn.

SECRETARY AND TREASURER.

Leslie C. Cornish,.....Augusta.

EXECUTIVE COMMITTEE.

Charles F. Libby,.....Portland.

Frederick A. Powers,.....Houlton.

Andrew P. Wiswell,.....Ellsworth.

Albert M. Spear,.....Gardiner.

Charles P. Mattocks,.....Portland.

COMMITTEE ON LEGAL EDUCATION.

Seth M. Carter,.....Lewiston.

A. L. Lumbert,.....Houlton.

Franklin C. Payson,.....Portland.

Joseph C. Holman,.....Farmington.

Hannibal E. Hamlin,	Ellsworth.
Warren C. Philbrook,	Waterville.
Joseph E. Moore,	Thomaston.
William H. Hilton,	Damariscotta.
Addison E. Herrick,	Bethel.
Hugh R. Chaplin,	Bangor.
Joseph B. Peaks,	Dover.
William E. Hogan,	Bath.
George G. Weeks,	Fairfield.
R. F. Dunton,	Belfast.
Lemuel G. Downs,	Calais.
Frank M. Higgins,	Limerick.

COMMITTEE ON MEMBERSHIP.

Wm. H. Newell,	Lewiston.
Morrill N. Drew,	Fort Fairfield.
Josiah H. Drummond, Jr.,	Portland.
Fremont E. Timberlake,	Phillips.
Oscar F. Fellows,	Bucksport.
William T. Haines,	Waterville.
Hiram Bliss, Jr.,	Washington.
Roswell S. Partridge,	North Whitefield
Oscar H. Hersey,	Buckfield.
Frederick H. Appleton,	Bangor.
Willis E. Parsons,	Foxcroft.
Charles W. Larrabee,	Bath.
Chas. A. Harrington,	Norridgework
Emery Boardman,	Belfast.
Fred I. Campbell,	Cherryfield.
Walter L. Dane,	Kennebunk.

COMMITTEE ON LAW REFORM.

Charles F. Libby,	Portland.
Wallace H. White,	Lewiston.
Jasper Hutchins,	Bangor.
Leroy T. Carleton,	Winthrop.
Chas. E. Littlefield,	Rockland.

COMMITTEE ON LEGAL HISTORY.

Josiah H. Drummond,	Portland.
Joseph Williamson,	Belfast.
Henry Hudson,	Guilford.
Franklin M. Drew,	Lewiston.
S. Clifford Belcher,	Farmington.

On motion of Mr. F. V. Chase the association adjourned to meet in the evening at 8 o'clock, at which hour the annual dinner took place at the Cony House. President Libby presided and Chief Justice John A. Peters, and Judges L. A. Emery, Thomas H. Haskell and W. P. Whitehouse of the supreme court, and Judge O. G. Hall of the superior court were present as guests of the association.

PROCEEDINGS
OF THE
THIRD ANNUAL MEETING
OF THE
MAINE STATE BAR
ASSOCIATION

HELD AT
PORTLAND, MAINE, FEBRUARY 14, 1894

AUGUSTA :
PRESS OF CHARLES E. NASH.
1894.



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Office of SECRETARY of
MAINE STATE BAR ASSOCIATION.

AUGUSTA, FEBRUARY 3, 1894.

DEAR SIR:

The annual meeting of the MAINE STATE BAR ASSOCIATION will be held at the Common Council Rooms, City Hall, Portland, Maine, on Wednesday, Feb. 14, 1894, at 8 o'clock P. M.

The order of business will be as follows:

1. REPORTS OF SECRETARY AND TREASURER.

2. REPORTS OF COMMITTEES.

3. ADDRESS BY THE PRESIDENT.

HON. CHAS. F. LIBBY.

4. ELECTION OF OFFICERS.

The meeting will conclude with a dinner at the Falmouth Hotel at 7 o'clock P. M., at which an address will be given by HON. WM. L. PUTNAM of the United States Circuit Court of Appeals.

Please notify the President at once by enclosed postal card, as to whether you will be present at the dinner. This is necessary in order to complete arrangements. A full attendance is

desired.

Per order of Executive Committee.

LESLIE C. CORNISH, Secretary.

Maine State Bar Association

THIRD ANNUAL MEETING.

CITY COUNCIL ROOMS,
PORTLAND, MAINE, February 14, 1894.

In accordance with the call for the annual meeting, the Maine State Bar Association met in the Common Council Room at the City Building, in Portland, on Wednesday, February 14, 1894, at 3.00 P. M., and was called to order by President Libby.

The Report of the Secretary was read as follows :

SECRETARY'S REPORT.

Augusta, Maine, February 14, 1894.

To the Members of the Maine State Bar Association :

This meeting marks the close of the third year of the Association, and I am glad to report that we are in a flourishing condition. After the failure of the first State Bar Association to prolong life beyond a single season, it was with some hesitancy that the attempt was made to resurrect it, but the success of the attempt has exceeded expectation.

Our present membership is two hundred and ten, divided among the several counties as follows :

Androscoggin,	-	17	Penobscot,	-	-	25
Aroostook,	-	6	Piscataquis,	-	-	5
Cumberland,	-	44	Sagadahoc,	-	-	5
Franklin,	-	7	Somerset,	-	-	11
Hancock,	-	13	Waldo,	-	-	5
Kennebec,	-	29	Washington,	-	-	9
Knox,	-	11	York,	-	-	12
Lincoln,	-	5				—
Oxford,	-	6	Total,			210

This is a slight decrease from last year but not a significant one. It is largely due in my opinion to simple neglect of former members to remit the annual dues and not to any decision on their part to withdraw from the Association. During the past year I have sent out notices for these dues twice, the first time in July, the second in December, in order to call the attention of the members to the matter; and in response to the last notice I had letters from many members stating that the omission had been due to mere oversight.

In view of these facts, I would suggest the propriety of amending Article 12 of the By-Laws, which provides:

“Failure to pay the annual dues within thirty days after said date shall terminate the membership of the person in default.”

I confess that I have not followed that By-Law to the letter, but have accepted the dues whenever paid. However, I do not see the necessity of keeping a by-law with so little merit, and hope that you will to-day amend it, either by omitting the last clause altogether, or making the term longer, perhaps a failure to pay the dues for two successive years.

During the past year, I have begun an exchange of our annual publication with all the other State Bar Associations in the United States, and I have already received many of these reports in return. These I shall place in the State Library, where they can be easily accessible, and I think the members of the Bar will find much of interest and of instruction in these volumes.

With a membership of over two hundred of the lawyers in this State, a list that comprises most of the active practitioners in every county, with all bills paid and a cash balance in the treasury, the prospects of the Association seem bright, and it should be many years before it goes the way of its predecessor.

LESLIE C. CORNISH, Secretary.

The Report of the Treasurer was read as follows:

TREASURER'S REPORT.

Augusta, Maine, February 13, 1894.

LESLIE C. CORNISH, Treasurer, in account with MAINE
STATE BAR ASSOCIATION, for year 1893-'94.

	Dr.
To cash on hand from preceding year,	\$118.95
received from fifty-eight dinner tickets, at \$3.00, - -	174.00
for additional annual dues, 1892-'93,	11.00
for annual dues, 1893-'94, -	205.00
for annual dues, 1894-'95, -	2.00
Total,	<u>\$510.95</u>

	Cr.
By amount paid expenses for annual dinner,	\$192.60
amount paid for stationery, postage, postal cards, newspaper wrappers, at various times. - - -	26.50
amount paid F. A. Small, Stenographer,	20.00
amount paid for printing Annual Report,	35.00
amount paid Express on same, - -	1.25
amount paid C. E. Nash, printing circulars, notices, etc., - - - -	12.40
amount paid salary of Secretary and Treasurer, - - - -	100.00
Cash balance on hand, - -	123.20
Total,	<u>\$510.95</u>

LESLIE C. CORNISH, Treasurer.

Mr. Albert M. Spear reported that he had audited the Treasurer's account, and found it correct, with the proper vouchers, and on his motion the Report was accepted and approved.

President Libby :— The next business in order is the Report of the Committee on Legal History. I do not know whether any member of that standing committee is present or not. Brother DRUMMOND, who is Chairman, expected to be present, but informed me yesterday that pressing engagements would necessarily interfere with it. Are there any standing committees who have any reports to make? If not, we come next to the Address which I have prepared for this occasion.

Land Transfer Reform.

ANNUAL ADDRESS BY THE PRESIDENT, HON. CHARLES
F. LIBBY.

Gentlemen of the Maine State Bar Association :

The trend of modern thought in many directions was indicated by the public discussions at the different Congresses of professional men, held at Chicago during the World's Columbian Exhibition, and the attention of members of our own profession was undoubtedly arrested by the prominence given at the Real Estate Congress, to what is known as the "Australian" or "Torrens" System of Registration of Titles. The discussions at that Congress certainly emphasized the fact that the present method of transferring title to real estate is unsatisfactory and burdensome, on account of the uncertainty, expense and delay connected with the transfer. When we consider how great these difficulties are in the large centres of population in this country, it is not strange that people are beginning to inquire whether some better method has not been or cannot be found. There is reason to believe that a remedy has been found, and has stood the test of many years' trial in English-speaking communities. It has been the subject of investigation by parliamentary and legislative committees, and the literature of the subject is to be found in so many legal magazines and other periodicals that the general features of the system can hardly have escaped the attention of any student in our profession. And yet I am inclined to think that the details of that system have been

investigated by but comparatively few of our number. While I may seem to be treating a rather trite subject in undertaking to discuss the merits of the so called Torrens System, I can but believe that the matter is of sufficient importance to the profession and to the public, to justify me in occupying a part of your time with that subject at this annual meeting. My object is not to attempt to gather new materials or present new points of view, but rather to glean in a field where others have labored, and to extract from the materials furnished by them, such portions as will enable you to understand what the Torrens System of Registration means, and the evils which it is intended to remedy. In doing so, I shall not attempt to specify always where credit is due, but make reference in an appendix to the sources from which I have drawn.

A consideration of some of the difficulties which attend the search of a title under our system of registration of deeds may naturally lead to a better appreciation of the Torrens System itself. Registration of deeds, which was introduced by the early colonists of New England, has been so long in vogue in this country, and so generally adopted, that we are naturally led to assume that it has manifest advantages over all other systems of land transfer, and especially over a system where evidences of title are not spread upon the public records. And yet so distinguished an authority as Lord Cairns, when introducing into Parliament a bill for forming a landed Estates Court for England, declared that "the objections to a Register of Deeds are so manifest that hardly any person in the present day would venture to propose it." He further said: "It would not simplify title in the least. It only puts on a formal record the whole of that multitude of

deeds and conveyances, of the extent and complexity of which we already have so much reason to complain. You have to investigate and search as before ; in addition to that, you have to pay for searches in the Register, and also to pay, in some shape or other, the expense of placing the deeds upon it." And we are to bear in mind that these declarations are made with the experience of a Registry of Deeds in both Middlesex and Yorkshire Counties in England ; of the value of which another English lawyer has said, " If this antiquated and useless kind of remedy had anything to recommend it, we should find that Middlesex and Yorkshire were preferred to other counties by intending purchasers. Experience shows, on the contrary, that no value is set on the Deeds-Register, while the expense of all transactions is appreciably increased in those counties without any corresponding benefit to those concerned." While we would not be willing to adopt the English system, under which conveyancing is so expensive as to affect seriously the selling value of real estate, especially where small parcels are involved, yet it must be admitted that there is some ground for the criticism. The difficulty with our system is that it does not show with any certainty what it purports to do, and that is, the legal title, and the information it has to give is so involved with extraneous matter that the search itself is tedious and costly and must be supplemented by careful inquiry as to matters outside of the record in order to attain even proximate certainty in the results. What this search means in the large centres of population in this country, we can readily see by considering the situation in cities like Boston, Chicago and New York ; and what is true of these cities, is true in a lesser degree in smaller communities. In the county of Suffolk one hundred and ninety-three record books sufficed for the recording of all deeds and other instruments in that county, from the establishment of the registry

in 1650 to the year 1800. Ninety years later, the number had increased to one thousand nine hundred and seventy-four large folio volumes, of over six hundred pages each, and this number is increasing at the rate of more than sixty volumes a year. Since the destruction of the books in the the Registry of Deeds by the great fire in Chicago in 1871, there have accumulated in the recorder's office in Cook County, more than four thousand two hundred large books of records of deeds and mortgages; and at the present rate of annual increase the books will soon be so numerous as to require a large building for their keeping. In New York City, the accumulation of record books has become so great in the Registry of Deeds, that searches of title can no longer be carried on by private persons, but recourse must be had to official searchers, who are aided by supplemental indexes prepared by themselves. In that State, an attempt has been made to simplify and classify these records, by adopting what is known as the "Block" System of registration, by which deeds and other instruments are classified and indexed according to the location of the property. While this is a partial remedy, it by no means remedies the evils due to a lengthening chain of title, where no part is stronger than the weakest link. In any registration system, the expense and labor increase as time goes on, and in populous cities, where real estate has become of great value, the time and labor requisite for the careful search of a title, become a serious burden to the owners of property who wish either to sell or to use it as security for loans. In England, the cost of transfer of real property is reckoned by good authorities as equal to one year's purchase where large values are not involved, and the delay before the search is completed and the papers have passed often extends from months to even years. A little investigation of the defects of the present system will

show that the blame for this state of things does not rest upon our profession, as some are inclined to suggest, but that the difficulty is due largely to the fact that the search involves matters outside of the records and that the records themselves become complicated ; minor defects, which might readily be cured if detected at the time the conveyances are executed, often become, by lapse of time, permanent blemishes which must be removed by patient investigation of facts not shown by the records, and result in what are known as " blistered " titles, which may be good holding titles, but cannot be forced upon an unwilling purchaser. It is to be borne in mind that the labor and expense involved in the search of a title is not work once done which inures to the benefit of the property in any subsequent dealing, but the same and additional work must be done at every subsequent transaction which involves a sale or encumbrance of the property ; so that a tract of land which has been divided into lots may involve, before the last lot is sold, a repetition of the same labor as many times, and by as many different persons, as there are lots in the original parcel. An article which appeared in the " New York Herald," at the time of the sale of the Jumel property, pointedly illustrates the waste of labor under the present system.

" Lately, the Jumel property was cut up into one thousand three hundred and eighty-three pieces or parcels of real estate, and sold at partition sale. There appears to have been about three hundred purchasers at that sale, and no doubt each buyer, before he paid his money, carefully employed a good lawyer to examine the title to the lot or plot that he had bought, so that three hundred lawyers, each of them, carefully examined and went through the same work, viz : The old deeds and mortgages and records affecting the whole property (for as it

had never been cut up before, each had to examine the title of the whole, no matter how small his parcel,) and each of them searched the same volumes of long lists of names, and picked out from the thirty-five hundred volumes of deeds and mortgages in the New York Registrar's Office, the same big, dusty volumes of writing, and lifted them down and looked them through, in all three hundred times of the very same labor. Evidently two hundred and ninety-nine times that labor was thrown away; done over and over again uselessly; and the clients, those buyers, together paid three hundred fees to those lawyers, (who each earned his money), but evidently two hundred and ninety-nine of those fees were repetitions of the very same work.

“By and by, twenty years from now, instead of only three hundred owners of these Jumel plots, the whole one thousand three hundred and eighty-three lots will be sold and built upon, and one thousand three hundred and eighty-three new purchasers will again pay one thousand three hundred and eighty-three lawyers one thousand three hundred and eighty-three fees, for examining that same Jumel title, only the fees will be larger, for there will by that time (at the present rate of growth and unless a remedy is applied), be fully ten thousand big folio volumes in the new Hall of Records which the legislature has just authorized to be built in the city, and the one thousand three hundred and eighty-three fees will be for mere repetitions of labor so far as the whole Jumel estate is concerned, and will be practically wasted. This sort of thing is daily repeated, year in and year out, in this city, over the whole of its surface. And the same thing happens in regard to loans on bond and mortgage. Every man who thus lends money must have the title examined, and very properly so, and the borrower has to pay for the same old searches against the same old names; and pay

the same old fees. The tax which the real estate in New York City thus annually pays, amounts to more than one per cent. of the real value of the property sold and mortgaged."

Such a waste of labor and attendant expense as is thus shown ought not to be tolerated unless no better system could be devised.

One of the serious difficulties attendant upon the system of registration of deeds is that it places on record not only what tends to sustain the title, but also many things which tend to defeat the title. It stereotypes complications and perpetuates technical defects, which become more difficult of removal with lapse of time. The records do not speak for themselves; or, if they speak, it is in very uncertain tones. Many things are taken for granted in the search of every title, but the element of risk is not thus eliminated. What does not appear upon the record, may become even more important than what is apparent. A brief consideration of some of the sources of insecurity not disclosed by the records, may indicate the value of a system which avoids all such dangers.

Every lawyer understands that a Registry of Deeds affords no means of verifying the genuineness of signatures, either of the parties to the instrument, or of the magistrates who have taken the acknowledgments, and yet the title depends upon the genuineness of such signatures.

Again, several persons of the same name may exist in a community, and the records in no wise disclose which one of that name executed the instrument.

Again, a deed may never have been delivered, but surreptitiously obtained and placed upon the records. The fact of delivery is an important element in the title, and only lately, the State of Massachusetts has passed an act,

which provides that the record of a deed or other instrument shall be conclusive evidence of the delivery of such instrument, in favor of purchasers for value without notice claiming thereunder.

The record gives no information as to the legal capacity of the party, executing an instrument, to contract, and by reason of infancy or insanity of such party, the instrument, although actually signed, may be invalidated.

Another matter which requires careful investigation outside of the record, is the question of heirship. Our Probate records at the best afford imperfect information upon this point, or may be entirely silent, as many estates are settled without formal administration, where real estate largely is involved; and the decrees of the Probate Court as to who are next of kin for purposes of distribution of personal property would not be conclusive with regard to title to real estate. After a long lapse of time, and especially in the case of persons of foreign birth, the difficulty of determining the question as to who are heirs of the deceased party, is often very great, and the difficulty increases as time goes on.

Under a system which allows an unrecorded deed to take precedence over a deed which is recorded, as against all persons having notice of the earlier instrument, a title which upon the records seems perfect may prove, in fact, to be a very insecure affair.

Difficult questions arise, growing out of marriage and divorce. The records of marriages are often in other places than those where the real estate is situated, and it is frequently difficult, if not impossible, to trace the records of marriages which may affect the title. With the increasing number of divorces, a new element of difficulty is introduced. The question of whether or not a parcel of land is freed from the inchoate right of dower or curtesy may involve an investigation as to the jurisdiction

of the court undertaking to grant the divorce, or as to the existence of defects in the proceedings ; and the validity of such a divorce may have an important bearing upon the question of heirship.

All the rights growing out of prescription and adverse possession, which may encumber or change the title, are not shown upon the record, and yet, as lawyers all know, such rights may not only encumber, but entirely extinguish a title.

Through the carelessness of scriveners, or through the attempt of every man to be his own lawyer, especially in a matter so easy as seems to many laymen the drawing of a deed, the description of property intended to be conveyed is often imperfect or ambiguous ; and many titles have turned upon the difficult questions of fact as to where were located natural or artificial monuments which have long disappeared, or as to what was the line of an ancient water-course, or the location and contour of uplands bordering on flats.

The validity of a title often depends upon the fact of intestacy of an ancestor where heirs have undertaken to convey real estate, and yet many a title has been overturned by reason of a will having been subsequently discovered and probated many years after the purchaser had gone into possession of the property and erected upon it valuable improvements. Even when property has been sold by devisees, purchasers have been evicted under titles derived from a later will, not known at the time the conveyance was made.

So the constitutionality of a statute may arise, and result in the reversal of a judgment on which titles to real estate have been based.

Decrees of courts of probate are based upon the jurisdictional fact that a person is dead ; and yet administra-

tion has often been granted upon the estates of persons assumed to have been dead because not heard from for many years. In some of these cases, loss has resulted to individuals, growing out of sales of real estate made either by heirs or administrators in the settlements of estates, where the person whose death was assumed subsequently re-appeared and claimed the property.

So the validity of a deed of a corporation may be an important link in the chain of title; and yet the validity of that deed may turn upon the authority of the officer who purported to execute it, and proof of that authority must be sought in the records of the corporation, which in many cases are found to have been lost, destroyed, or accidentally burned; and every lawyer who has had much to do with the searching of titles, can recall the labor which the search after these records has sometimes occasioned him.

Again, land may be taken under the exercise of the right of eminent domain, either directly by the State or by some of its political subdivisions, or through corporations established for public purposes; and in the proceedings the names of the owners of the land may not appear, and the Registry of Deeds may not disclose the effect of the proceedings upon the title.

These are some of the matters to be investigated outside of the records, which readily suggest themselves, but by no means exhaust the list. If practical certainty is sought, the number of deeds to be examined in the case of a complicated title becomes appalling. The indexes themselves are by no means perfect, and there are so many ways of spelling and misspelling proper names, especially foreign names, that the greatest care must be exercised and much ground covered that at first sight would seem unnecessary; careful conveyancers make a practice of ex-

aming the deeds of each grantor for a period more or less extended, before the date of the deed by which he acquired title to the property in question, in order to guard against the existence of a recorded deed from the grantor of the property, which may operate by estoppel so as to give priority over a later deed from the same person subsequently recorded. In view of these elements of uncertainty, it is not strange that "Title Insurance" companies should have sprung up in the larger cities, which attempt to protect purchasers against loss from some of the sources above indicated. The existence of these title insurance companies is itself an admission of the gravity of the situation, and the seriousness of the evil to be remedied; but the remedy they offer is by no means a complete one. They do not reduce the expense of transferring or dealing with the title, and the guaranty is limited to the amount of the policy, which often contains important exceptions. They neither reduce the number of volumes of the public record, nor the evils inherent in the system. Under the strict provisions of their policies, no recovery can be had except for defects which have been declared, by a competent court, to invalidate the title. While they offer protection against money loss to the extent of the policy, they cannot make the title indefeasible, or protect the insured in the possession of the land, a matter of prime importance where expensive improvements have been made. This the Torrens System accomplishes, besides much else. . . And a brief consideration of the methods by which this system works out its results, will enable us to appreciate the advantages it offers over our cumbersome, insecure and unnecessarily expensive system.

The essential feature of the Torrens System is that title to land passes only by the entry of the transfer upon the official register, and not by virtue of a deed between

the parties which operates only as a personal contract. The title thus transferred and authenticated by a certificate under the hand of the registrar gives an indefeasible title, and does away with the necessity of examining into the history of the title and the documents which sustain it. The transfer of land thus becomes assimilated to the transfer of stock in a corporation, or of an interest in a ship. The owner depends not upon a deed from an individual grantor, but upon a certificate of title issued to him by the official registrar of titles, which in form is a copy of the entry upon the official books. Land once brought under the system cannot be withdrawn. The inventor of the system was Sir Robert R. Torrens, an officer in Her Majesty's customs at Adelaide, South Australia, who was led to attempt a reform in the system of transferring title to real estate by registered deeds, by reason of his experience with the method of transferring interests in shipping. The first tentative measure was passed by the legislature of South Australia, in 1858, and was succeeded by further legislation in the years 1860, 1861, 1878, 1886 and 1887, which have brought the system into the form which experience has shown to give the best results. An examination of the act of 1886, which consolidates previous acts and presents the system in its perfected form, will give us a general idea of the methods under which the system is operated.

Any person claiming to be the owner in fee simple of real estate may apply to the Registrar General to have his property brought under the provisions of the act. He must, at the time of making application, surrender to the Registrar General all documents of title in his possession relating to the property, and furnish also, if required, an abstract of his title, and also state in his application the nature of his estate or interest in the land, and of every

estate or interest therein held by any other person, whether at law or in equity, in possession, reversion, remainder, or expectancy; also give full particulars of every right of way or other easement affecting the land of which he is aware, or of which he has had notice, or which he knows to be claimed by any other person, and must also state whether the land is occupied or unoccupied, and if occupied, the name and description of the occupant and the nature of his occupancy, and whether such occupancy is adverse or otherwise. He must also, when practicable, state the names and addresses of the occupants and proprietors of all lands contiguous to the land in respect to which application is made, so far as known to him. These statements must be verified by the applicant or the person acting in his behalf. Upon receipt of the application, the Registrar General causes the title of the applicant to be examined and reported upon by one of the official examiners attached to the office. The Registrar General causes such personal or public notice to be given of the application in the Government Gazette, as under the circumstances he deems proper, including notice upon all persons mentioned in the application as claiming an interest in the land, and also to owners of contiguous property. Any person having or claiming an estate or interest in any of the property sought to be brought under the provisions of this act may within the time limited in the notice, lodge a caveat forbidding the bringing of the land under the act. Every such caveat must state the nature of the claim and the grounds on which it is founded, and must also give the address of the person filing the caveat. On receipt of any caveat, all action upon the application is suspended, until such caveat shall be withdrawn, or a decision upon the rights of the parties under the same shall be determined by the court having jurisdiction in the matter, provision being made for an early decision by the

court of all questions arising under such caveats. If no caveat is filed, or after decision upon the matters involved in such caveats as above indicated, if the title of the applicant is found satisfactory, and the description of the property accurate, aided by a plan and survey of the land, which may be required, a certificate is issued in duplicate, bringing the land under the provisions of the act. Upon this certificate, in addition to the description of the property, is entered a memorandum of such encumbrances, liens or other interests as are shown to exist. One of these certificates is bound as a separate folium in the Register Book, having its appropriate number, and the duplicate is given to the owner of the property. In case of conflict between the certificate issued to the owner and the contents of the original certificate bound in the register, the original certificate is to prevail. The act provides that the title of every registered proprietor of land shall, subject to such encumbrances, liens, estates or interests as may be notified on the original certificate of such land, be absolute and indefeasible, subject to the following, among other qualifications :

1. In case of fraud, the person defrauded has all rights that he would have had if the land had not been brought under the provisions of the act, not however to affect the title of a subsequent registered owner who has purchased the property in good faith, for a valuable consideration.

2. In case of a certificate or other instrument of title obtained by forgery or by means of an insufficient power of attorney, or from a person under some legal disability, the certificate or other instrument of title is void, except as against the title of a subsequent registered proprietor who has purchased the property for a valuable consideration, in good faith.

3. Where any land has been erroneously included in

the certificate by a wrong description of parcels or boundaries, the rights of the persons who are entitled to such lands prevail, except as against a subsequent registered proprietor who has purchased such land for a valuable consideration in good faith.

4. Such certificate is void as against the title of any person adversely in actual occupation of and rightfully entitled to such land, or any part thereof, at the time such land was brought under the provision of the act, and continuing in such occupation at the time of any subsequent certificate being issued in respect to such land.

Two or more persons entitled as tenants in common to an estate of freehold, may receive one certificate for the entirety, describing them as tenants in common, or each may receive a separate certificate for his undivided share.

Owners of an estate in remainder or reversion, for a life estate on which a certificate has already been issued, may have their estate registered on the certificate issued for the life estate, or may receive a separate certificate for their estate, which shall refer to the certificate of the particular estate. Upon the certificates are also entered memorials of all subsisting mortgages, leases and encumbrances, and of any dower or rent charge to which the land may be subject, and may also contain a statement of any easement of rights of way, or of other nature, to which the land may be subject, or which may be appurtenant thereto; but rights of way or other easements of a public nature need not be minuted upon the certificate.

Under the provisions of this act, the forms of instruments necessary for use in the transfer of the title or the creation of a charge upon the property by way of mortgage or otherwise, have been greatly simplified, the act itself specifying what covenants shall be implied, and the documents operating only as a contract between the parties until the entry which effects the transfer of the title or

creates the encumbrance is entered upon the official register.

When a transfer purporting to transfer any estate of freehold is presented for registration, the duplicate certificate is delivered to the Registrar General, who upon registering the transfer, enters on the original certificate, and also on the duplicate certificate, a memorandum cancelling the same, either wholly or partially, according as a transfer purports to transfer the whole or a part only of the land comprised in the certificate.

Upon cancellation of such certificate, the transferee is entitled to a new certificate covering the land transferred.

Provision is made for the endorsement of a memorial of any lease of land covered by a certificate upon the original and duplicate certificate, and the lease may be surrendered by a brief endorsement upon the lease of the word "surrendered," with the date, signed by both the lessee and the lessor, and attested by a witness; and a memorial of such surrender is entered upon the original and duplicate certificate.

Leases are drawn in duplicate, one of which is filed in the Registry Office, and the other, after receiving an endorsement of filing and appropriate number, is returned to the lessee.

The Act specifies what covenants and powers affecting lessor and lessee shall be implied.

Formal mortgages involving a conditional transfer of the title are not used, but when an owner of land wishes to charge the same for the payment of any debt or of any charge, a brief form of mortgage is used, which refers for description of the land to the certificate held by the owner, and which operates as a security but not as a transfer of the land charged. As in the case of leases and other instruments, the Act specifies what covenants shall be implied in a mortgage.

In case default is made in the payment of the sum due under the mortgage, or in the performance of any covenants therein expressed or implied, provision is made for the sale of the property and a foreclosure of all the interests of the mortgagor in the property.

Upon the registration of any transfer executed by any mortgagee under such sale, a new certificate issues to the purchaser of the property upon which the mortgage was a charge.

In lieu of sale, the mortgagee may enforce his rights by entering into possession of the mortgaged premises, or distrain upon the occupier or tenant of the land. Provision is also made for the foreclosure of mortgages by publication of notice. Mortgages are discharged very much in the same way as leases are surrendered, by a brief receipt, or memorandum, signed by the mortgagee and attested by a witness, discharging the land or any part thereof. Upon the presentation of this paper to the registrar, together with the duplicate mortgage, entry is made in the Registry Book, and also on the mortgage, showing that the mortgage is discharged wholly or partially, as the case may be; and upon such entry being made in the Registry Book, the land ceases to be subject to the charge created by the mortgage. A similar entry is also made on the duplicate certificate when produced for that purpose.

Equitable mortgages of land may be created by a deposit of the certificate of title, and such a deposit has the same effect by way of equitable mortgage, as the deposit of deeds of land under the English system.

Transfer of mortgages, leases or other encumbrances are made by a brief memorandum endorsed upon the duplicate mortgage, lease or other instrument, and entered upon the Register. Provision is also made for the deposit in the registry, of duplicate or attested copies of powers

of attorney, authorizing any person to act for the owner of the land, in bringing it under the provision of the Act, or in executing any instruments that may be necessary to give effect to any dealing with the land.

All instruments executed under any power of attorney are valid until revoked by the grantor, or, in case of death, until an entry of the death of the grantor shall be made by the registrar upon the duplicate power of attorney on file in his office. No provision is made by the Act for bringing trusts or equitable estates under its provision, as the act provides that no instrument shall be registered which declares or contains trusts relating to land, but any such instrument may be deposited for safe custody and reference in the registry

The interests of beneficiaries or *cestuis que trust*, may be protected by the filing of a caveat which prevents the registered owners, who are the trustees, from transferring or dealing with the property except in accordance with terms of the trust, without obtaining an order of court. The insertion of the words "No Survivorship" in the instrument of transfer necessitates, in case of the death of any trustee, that the vacancy must be legally filled before any action affecting the land can be taken by the surviving trustees who appear as the registered owners.

Provision is also made for registering an assignee in insolvency, or by statutory assignment, as the registered proprietor of the estate, so as to protect the interests of creditors.

The Torrens System makes a radical departure in the case of the decease of the registered proprietor of land. The title, instead of devolving upon heirs or next of kin, descends to the personal representative, who is entitled, upon production of the duplicate certificate and letters executory or of administration, to be entered upon the register as the registered proprietor of all lands of the

deceased, and holds the same subject to the terms of the will or statutes of distribution ; and in case of refusal or unnecessary delay in transferring such land to the devisee, next of kin, heir-at-law, or other person entitled thereto, such persons may apply to the court for an order compelling the personal representative to make such transfer. The court, upon such application, decides upon all questions of ownership and disputed claims to the land, and the decree when made is entered upon the register, and a certificate issued in accordance with its terms.

Any settler of land or beneficiary claiming under a will or settlement, or any person claiming to be interested at law or in equity, whether under an agreement or under an unregistered instrument, may lodge a caveat with the registrar, forbidding the registration of any dealing with such land, either absolutely, or unless such dealing shall be expressed to be subject to the claim of the caveator.

Upon receipt of the caveat, the registrar enters a memorandum thereon of the date and hour of its receipt, and also in the Register Book, and also give notice of such caveat to the person against whose title such caveat has been lodged.

The registered owner may apply to the court for an order on the caveator to show cause why the caveat should not be removed, and if after a hearing, the claim set out in the caveat is not sustained, the caveator is liable for costs, and if the caveat has been lodged wrongfully and without reasonable cause, is further liable to make compensation to any person who has sustained damage thereby.

In order to provide against loss arising through mistakes in issuing a certificate to a person other than the true owner of the land, provision is made for an assurance fund, out of which persons so damaged may obtain compensation, but the land remains in the possession of the

registered owner or his grantee, unless their title is tainted with fraud, or falls within the other exceptions noted in the act.

This assurance fund is raised by the payment of one half-penny to the pound (about one-fifth of one per cent,) on the value of the land registered, upon the bringing of the land under the provision of the Act, and also upon the registration of the title of the personal representative upon the death of the registered proprietor; this fund is held by the treasurer of the province.

The Act provides that any person, deprived of land in consequence of fraud or through the bringing of such land under the provisions of the act, in consequence of any error, or omission, or misdescription in any certificate or in any entry or memorial in the registry, may prosecute an action for the recovery of compensation against the person upon whose application such land was brought under the provisions of the Act, or who acquired title to the land through such fraud, error, omission, or misdescription. In case the action is sustained, and the judgment rendered thereon is not satisfied, by reason of the absence, insolvency, death or lack of estate of the defendant in the action, the claimant is entitled to recover against the assurance fund, the amount of such judgment so far as not satisfied; but no such action or action for recovery of possession of the land can be maintained against any person who has acquired interest in the property by transfer from the registered proprietor for a valuable consideration in good faith, nor can any action be maintained by a person who had actual notice of the fact occasioning the loss or damage, and wilfully or negligently omitted to lodge a caveat, or otherwise neglected to protect himself against such loss. Any sums paid from the assurance fund on account of a person who is dead, may be recovered from the estate of such person.

The Registrar General is authorized to compel production of documents relating to land sought to be brought under, or already registered, under the act, and to summon and examine persons under oath as to such matters. He may also, upon evidence satisfactory to him, correct errors in certificates or register books, or entries made therein, and supply omissions to entries, affixing the date of such correction, and of his own action, may file caveats for the protection of any persons absent, or under disability, or to prevent all improper dealings. Authority is given to the registrar to dispense with the production of any duplicate instrument upon evidence satisfactory to him that its non-production is not due to the fact that it has been deposited as security for any loan, or subjected to any lien, and any transfer or dealing with the property, of which fourteen days' notice shall have been given, is valid without such production, a memorial being made on the register that no entry has been made of the transaction on the duplicate instrument. Any person aggrieved by the action of the Registrar General may appeal to the courts to review his action, and after notice and a hearing, the court may enter such order in the premises as the circumstances of the case may require. Heavy penalties are affixed to any fraudulent practices under the act, including forgery of instruments, endorsements, seals, stamps, signatures, or the using of instruments known to be forged. These offences are declared to be felonies. False oaths and declarations, suppression of any material document, fact or matter of information, relating to property brought under the act, or false evidence before the Registrar, are also punished as misdemeanors. Under this act, maps or plans of specified scale must accompany all applications for registration of lands, and all certificates must have a diagram drawn in

the margin, showing the measurements of the land. Surveys must be made by licensed surveyors, appointed in accordance with the terms of the act.

Courts of law retain full jurisdiction in cases of actual fraud, or equities growing out of contracts or agreements for the sale or other disposition of land, but no unregistered estate, interest, contract or agreement is permitted to prevail against the title of any *bona fide* transferee, mortgagee, lessee, or encumbrancee, for valuable consideration duly registered under the Act. The Act further provides that no person shall acquire any right or title to land under the provisions of the Act by any length of adverse possession.

All instruments under the act must be attested by a witness who holds some official position, as specified in the Act, and schedules of forms to be used under the Act are annexed.

The foregoing extracts are sufficient to present some of the salient features of the system, and make clear certain of its advantages. It does away with voluminous indexes and records, and renders unnecessary the accumulation of evidences of title. Each estate is represented by a single instrument, which discloses on the record all that is necessary for an intending purchaser to know. Searches are needless, except for caveats, and may be made in a few minutes. Mortgages, leases, or other charges are created, transferred, released, or surrendered, by brief endorsements on the register and certificate. In case of loss or destruction by fire or otherwise of any instrument of title, the duplicate remains available for every purpose. While equitable titles are not registered, the interests of the beneficiaries are protected by means of caveats. Statutes of limitation are unnecessary, as no title by prescription can operate against the registered owner, and no rights or easements are acquired by lapse of time. As

the form of every instrument must be examined and approved before being entered upon the register, the chances of defects in execution, and technical errors in description or other matters are very much reduced. Fraud and forgery are better guarded against by this system than by any other, as not only must the duplicate certificate, having official signatures and seal attached, be produced with each instrument affecting the land, but provision is also made, in some of the Acts, for the signature of the registered owner being attached to the original certificate which makes a part of the register, and thus certain frauds to which the English system and our own have been shown to be liable are carefully guarded against. The facility with which land can be transferred under this system makes it readily available as security for loans at times where despatch is requisite, and the safety connected with such transfers, in addition to relief from the unnecessary and burdensome expenses which exist under the present system, give an increased value to real estate. Wherever the system has been tried, it has found favor, and once tried has never been given up. It was introduced in South Australia in 1858 ; in Queensland in 1861 ; in Victoria and in New South Wales in 1862 ; in Tasmania in 1863 ; in New Zealand and British Columbia in 1870 ; in West Australia in 1874 ; in Toronto in 1884 ; in Manitoba in 1885.

Substantially, this system has been in operation for more than a century in Prussia, Bavaria, and other European States, and notably in the City of Hamburg, where it has been in operation for more than six hundred years. Purchasers of estates in Paris may also obtain an insured title, by payment of a small sum to the city.

Before considering what changes in the general features of the Torrens System would be necessary in order to

adapt it to our institutions, it may be wise to consider briefly, the evidence as to the successful operation of this Act in the English speaking communities where it has long been tried.

In an essay by the author of this system, Sir Robert Torrens, which was published by Cassel & Co. for the Cobden Club, he sums up the matter as follows :

“The benefits which have attended this measure wherever it has been adopted in its integrity, as proved on the foregoing evidence, may thus be summed up.

“1st. It has substituted security for insecurity.

“2d. It has reduced the cost of conveyancing from pounds to shillings, and the time occupied from months to days.

“3d. It has substituted clearness and brevity for obscurity and verbiage.

4th. It has so simplified ordinary dealings, that any person who has mastered the three R's can transact his own conveyancing.

“5th. It affords protection against the largest class of frauds, such as those passed by the notorious Down, and recently by J. F. Cooper.

“6th. It has restored to their natural value many estates held under good holding titles, but depreciated on account of some blot or technical defect, and has barred the recurrence of any such defect.

“7th. It has largely diminished the number of chancery suits, by removing the conditions which afford grounds for them.”

He also adds : “The foregoing pages have been written with a twofold object. First, to demonstrate that there is no exaggeration in the estimate of the Royal Commission of 1858, backed by that of John Stuart Mill and others of experience and authority on such subjects ; that the application to land in this country (England) of a safe,

cheap, simple and expeditious method of transfer such as that adopted for property in shipping, would have the effect of adding five years' purchase, some would say ten, to all the land in this country. Second, that there exists no insurmountable obstacle, or even serious difficulty, in applying that system by the duplicate method to estates and interests in land in this country."

Among the evidence referred to by Mr. Torrens is the following: Mr Henry Gawler, for twenty years Examiner of Titles in Adelaide, says:— "No difficulty whatever has occurred in carrying out the ordinary transactions in land, such as transfers, mortgages and leases; and there can be no question, as regards such transactions, the Torrens System is a complete success, land in fact being as easily and securely dealt with as stock in the funds."

The Registrar General of Queensland states: "About fifteen per cent of the lands alienated from the Crown before the Real Property Act came into force, is now brought under the operation of that Act. The amount so alienated since that date is three million eight hundred and twenty-six thousand six hundred and thirty-four acres, which being all under the Real Property Act, if added to the quantity brought under it by application, gives three million nine hundred and thirteen thousand nine hundred and forty-seven acres under the Act, being about ninety-eight per cent of all the lands alienated."

The Registrar General of New Zealand reports: "There are few questions incident to conveyancing with which the Land Transfer Department is not called upon to deal. Titles complicated by wills, settlements, &c., are not unfrequent, and the systems of caveats is found sufficient for the conservation of trusts, while life estates, and estates in reversion or remainder, are fully capable of demonstration on the register. In fact, the system so far has been found equal to all purposes of conveyancing."

The Registrar General of Victoria reports: "The proportion of land under the Act is now about seven million five hundred and fifty-seven thousand seven hundred and fifteen acres, or nearly one eighth of the whole land of the colony. Titles of every sort and kind, simple and complicated, have been registered, and from the value of £5 to £100,000 and more. The facilities for carrying out mortgages and paying them off are very great, and thoroughly appreciated by the public. The expense of either transaction is comparatively trifling."

The Registrar General of New South Wales reports: "Although the Act has been in operation eighteen years, no compensation has been made for the deprivation of property, nor has any claim been sustained against the Assurance Fund, which at the present time amounts to £38,060. The popularity of the Act is so well secured, and the public generally have become so accustomed to our certificates, and have such faith in their undoubted value, as in many instances to decline accepting a property unless the title is registered under what is universally styled Torrens' System."

The Registrar General of Tasmania reports: "The Real Property Act has now been in operation in this colony for more than eighteen years, during which time thirteen thousand seven hundred and fourteen dealings, all sorts included, have been registered, and I consider that indefeasibility of title has been practically secured, inasmuch as I am not aware of any case in which a registered title has been upset upon reference to the law courts. More than one sixth of all the lands alienated from the Crown in this colony is now under the Act."

The Registrar General of British Columbia reports: "The title to real property has been greatly simplified, without radical changes in the general law. Stability of

title, with safety to purchasers and mortgagees, has been secured. The ownership of property, both in town and country, is shown by the register at a glance, and whether encumbered or not. It increases the salable value of property. It enables both vendors and purchasers to accurately ascertain the expense of carrying out any sale or transfer. It protects trusts, estates and beneficiaries. It prevents frauds, and protects purchasers and mortgagees, and has operated so as to almost entirely dispense with the investigation of prior title. Loans on mortgages are effected, and transfer of the fee are made, with as much ease as the transfer of bank stock is made in England, a search of from five to ten minutes being all that is necessary to disclose the state of any registered title."

In a work written by Mr. J. Franklyn, entitled "A Glance at Australia in 1880," the following statement is made: "All transactions relating to land are so expeditiously and cheaply effected, that in the year ending the 30th June, 1879, the cost of each of seventeen thousand four hundred and twenty-two registration sales and mortgages, covering property to the value of £7,585,291, was only 22s. 9d. Let any one who knows anything of conveyancers' bills in the mother country, ponder well upon the full force and meaning of these highly significant statistics."

In a very interesting address delivered by Mr. J. Herbert Mason, President of the Canada Land Law Amendment Association, in 1890, after an elaborate presentation of the defects of the old system and the advantages of the new, he gives the following statistics as to the working of the new system in British North America: "The present value of the property now under the Torrens System in the County of York and City of Toronto is estimated at not less than \$10,000,000. . . . In Manitoba, the opposition to the new system, at first as strong

as it was here, has entirely disappeared. So satisfied are the government and people of Manitoba of its superiority, that the Torrens System has been adopted as the provincial system of land transfer; and with a view to its being efficiently administered, the old registration offices have been abolished, and instead thereof, the Province has been divided into four registration districts." He quotes from a letter received from the Attorney-General of Manitoba, in which the latter states: "The system meets with very strong approbation from the legal profession. It is the practice of nearly all lawyers, in case any difficulty turns up in connection with a title, to strongly advise the bringing of the property under the Real Property Act."

Mr. Mason further says: "The chief obstacle to the cause of land transfer reform, here and elsewhere, lies in the technical and intricate character of the subject, and in the want of general information respecting it. It is not a party or a class question, but affects the whole people, and when the general public become aware of its importance, and the possibilities within their reach, there will not be much doubt or delay as to how and when it will be settled. It is impossible that the old system can go on forever. A change must be made sooner or later, and can be made now better than at any future time. Deed, wills, mortgages and other charges are daily forging additional links to the chains of title, subdivisions of original lots are taking place, each adding its quota of cost and difficulty in proving title. . . . It has unquestionably facilitated the recent rapid growth of Toronto." He also states: "In the four Australian colonies previously named, where the Torrens System has been in operation for nearly thirty years, the aggregate amount of the Guarantee Funds is \$1,469,217, and during the whole of that time the total claims on the fund have been \$53,567, or less than four per cent. As an indication of the extent

and value of land under the system in Australia, the returns show that there were 43,691,654 acres of land under the Torrens System, of the declared value of \$693,-053,916. The transactions recorded in a single year numbered more than 108,000. The claims on the Guarantee Fund have been less than the hundredth part of one per cent of the value of the property it insures."

Mr George S. Holmested, Inspector of Titles of the High Court of Justice for Ontario, at the meeting of the Canada Land Law Amendment Association above referred to, thus tersely states the distinction between the old system of registration and the new: "People who look at the matter superficially may jump at the conclusion that there is no great difference between the two systems, but as a matter of fact they differ radically. It is quite true that under our present system of registration we talk of having a "registered title," meaning thereby that all the documents constituting the chain of title are registered, but if the Torrens System accomplished nothing more than that, no one would think it worth the trouble of making the change. Let us consider for a moment what the present system of registration is intended to do. It is simply this: to provide a public office in which all instruments affecting the title to land may be recorded. It does not pretend to provide any means whatever for determining the legal effect of instruments which are so recorded; and as a matter of fact instruments may be recorded against a parcel of land, which, though purporting to affect the title, have in reality no more legal effect on the title than a blank sheet of paper. . . . Now let us see what the Torrens System is intended to do; but first I may tell you what it does not do. It does not pretend merely to record the fact that a deed or instrument has been made; and it does not permit instruments to be recorded as instruments affecting the title, which are in

registered owner or his grantee, unless their title is tainted with fraud, or falls within the other exceptions noted in the act.

This assurance fund is raised by the payment of one half-penny to the pound (about one-fifth of one per cent,) on the value of the land registered, upon the bringing of the land under the provision of the Act, and also upon the registration of the title of the personal representative upon the death of the registered proprietor; this fund is held by the treasurer of the province.

The Act provides that any person, deprived of land in consequence of fraud or through the bringing of such land under the provisions of the act, in consequence of any error, or omission, or misdescription in any certificate or in any entry or memorial in the registry, may prosecute an action for the recovery of compensation against the person upon whose application such land was brought under the provisions of the Act, or who acquired title to the land through such fraud, error, omission, or misdescription. In case the action is sustained, and the judgment rendered thereon is not satisfied, by reason of the absence, insolvency, death or lack of estate of the defendant in the action, the claimant is entitled to recover against the assurance fund, the amount of such judgment so far as not satisfied; but no such action or action for recovery of possession of the land can be maintained against any person who has acquired interest in the property by transfer from the registered proprietor for a valuable consideration in good faith, nor can any action be maintained by a person who had actual notice of the fact occasioning the loss or damage, and wilfully or negligently omitted to lodge a caveat, or otherwise neglected to protect himself against such loss. Any sums paid from the assurance fund on account of a person who is dead, may be recovered from the estate of such person.

The Registrar General is authorized to compel production of documents relating to land sought to be brought under, or already registered, under the act, and to summon and examine persons under oath as to such matters. He may also, upon evidence satisfactory to him, correct errors in certificates or register books, or entries made therein, and supply omissions to entries, affixing the date of such correction, and of his own action, may file caveats for the protection of any persons absent, or under disability, or to prevent all improper dealings. Authority is given to the registrar to dispense with the production of any duplicate instrument upon evidence satisfactory to him that its non-production is not due to the fact that it has been deposited as security for any loan, or subjected to any lien, and any transfer or dealing with the property, of which fourteen days' notice shall have been given, is valid without such production, a memorial being made on the register that no entry has been made of the transaction on the duplicate instrument. Any person aggrieved by the action of the Registrar General may appeal to the courts to review his action, and after notice and a hearing, the court may enter such order in the premises as the circumstances of the case may require. Heavy penalties are affixed to any fraudulent practices under the act, including forgery of instruments, endorsements, seals, stamps, signatures, or the using of instruments known to be forged. These offences are declared to be felonies. False oaths and declarations, suppression of any material document, fact or matter of information, relating to property brought under the act, or false evidence before the Registrar, are also punished as misdemeanors. Under this act, maps or plans of specified scale must accompany all applications for registration of lands, and all certificates must have a diagram drawn in

- tem of Registration, while working very well in Australian colonies where everything is new and conditions are flexible, would not be adapted to the conditions which prevail in England and the United States, and that the conservative instincts of lawyers and owners of real estate would be averse to so radical a change. So far as England is concerned we have the opinion of the present Chief Justice of England, Lord Coleridge, who in his address at the Congress of the Law Amendment Society at Cheltenham, in 1872, declared that he "had never been able to perceive the obstacle to applying to land the system of transfer which answered so well when applied to shipping, but as his learned brethren one and all had declared that to be impossible, he had become impressed with the belief that there must be something wrong in his intellect, as he failed to perceive the impossibility. The remarkably clear and logical paper which was read by Sir R. R. Torrens, relieved him from that painful impression, and the statistics of the successful working of his system in Australia amount to demonstration; so that the man who denies the practicability of applying it might as well deny that two and two make four."

A long step towards the adoption of the entire system has already been taken in England. First, by Lord Westbury's Act passed in 1862, and second, by Lord Cairns' Act, passed in 1875. Neither of these Acts adopted some of the essential features of the Torrens System and have not been altogether successful, but the advocates of the Torrens System ascribe the partial failure of these Acts to the attempt to combine two irreconcilable systems. Both of these Acts made resort to it optional, and the former allowed property to be withdrawn from its operation after once registered, and both of them permitted any kind of form of conveyances to be used, involving a combination of two incompatible principles, a reg-

istration of deeds and a registration of title, which a Royal Commission in 1868 pronounced to be entirely "unworkable, and to differ little from an incomplete registry of assurances." The latter Act also provided for an infeasible title to purchasers only, so that it offered no inducements to holders to register, as they would not get their titles freed from technical defects and doubts. The scale of fees and charges was also deemed excessive and deterrent. Notwithstanding these disadvantages, the permissive features of the bill allowing registration of title have been growing in favor, so that the Registrar General of England reports that the number of registered owners is steadily increasing, and that the manifest advantages of a registered title are generally overcoming the deep-rooted opposition of the English land owner to having his title a matter of public record. In 1891 a more sweeping measure, adopting the compulsory feature of the Torrens System, passed the House of Commons and was only defeated in the House of Lords by a narrow vote.

But it may be urged that while the omnipotence of the English Parliament might be equal to the task of imposing this system upon land owners in that country, that there are constitutional restrictions in the United States which would render such a system here impracticable.

On examination it will be found that these constitutional difficulties are not insuperable, but simply require some modifications of the system to adapt them to our wants. What is needed is a conclusive starting point for the title; this can be obtained either by a short statute of limitations or by judicial proceedings to establish the title. If the first method is adopted, the certificate when first issued, would not give an indefeasible title, but the title would become such by lapse of time, as the statute of limitations would cut off all interests which had not, within

the period fixed by the statute, by caveat or action in court, established their rights to the property. In other words, possessory title would be admitted to the registry, and the certificate would confer upon the applicant no greater title than he actually possessed, but the land, from the time of the issue of the certificate, would be transferred according to the Torrens System, thereby avoiding further complication of the title, and reaching a safe starting point. This method would not at once reach the result attained by the Torrens System, an absolute and indefeasible title, but in the end, if the title was good, the same result would be reached. Certain advantages also would result from the change. An assurance fund would be unnecessary, as sufficient time would be allowed for adverse rights to intervene and protect themselves. Under either method no exhaustive examination of titles would be necessary, and the expense of the first entry, therefore, would be comparatively small; the system thus modified would adjust itself readily to existing conditions, as it would be merely an extension of methods of dealing with land which are now recognized. For the constitutionality of statutes to quiet title to real estate has been sustained both by the Supreme Court of the United States, and by numerous state courts of last resort. Under these statutes a person in possession of land, claiming title, may bring an action to establish his title against all the world, and personal notice is not essential to the validity of a decree which is made to operate on the land itself and is in effect a judgment *in rem*. Such decrees are sustained against persons who are not named in the petition, and are represented as "persons unknown." Legislation of this character has been passed in many of the States, and the advantage, nay almost the necessity, of such statutes, is becoming more and more recognized.

The report of the Land Transfer Commission, appointed under the authority of a joint resolution of the General Assembly of the State of Illinois, made to the Governor of that State in 1893, well illustrates the manner in which the Torrens System can be adapted to our institutions, and at the same time work out results nearly as advantageous as those which the Torrens System secures. The bill reported by this commission is the first complete measure which has been submitted to any State legislature in this country, and for that reason invites careful consideration. The report accompanying the bill, points out its salient features. Records of deeds are made "registrars," and conduct all dealings with registered land, assisted by deputies, and such examiners of titles, who must be members of the legal profession, as may be found necessary. No new officers are created. Registration of title is permissive, not obligatory. The application and action on it follow the general plan provided in the Australian bill. Duplicate certificates are issued as under that system. The statute of limitations is reduced to five years. During that period after the first registration of the land, the certificate of title is *prima facie* proof, receivable in all courts that the person named therein is the owner of the land. After the expiration of five years from the first registration, no suit attacking the title of the registered owner can be brought, and the certificate of title is conclusive proof, in all courts, of the ownership of its holder. Provision is made for the protection of the rights of all adverse owners whose right of action may not have accrued at the time of registration, and proper additional time is given in which to bring such actions. All constitutional rights of any owner or claimant adverse to the registered owner are fully protected. All rights adverse to the title of the registered owner accruing subsequent to the first regis-

tration are cut off except as against a fraudulent holder. The bill provides for a bond by the registrar to protect persons injured by his mistakes. The act of the registrar in dealing with the registered title is held absolute and unimpeachable, so far as any rights arising subsequent to its first registration, and this provision is deemed not to be in violation of any constitutional right, since it is clearly within the power of the legislature to provide that all right, estate or interest in registered land acquired after its first registration shall be acquired and held subject to such power in the registrar. The act becomes a rule of property governing all subsequent dealings after the first registration, the same as if its terms were embodied in the instruments of conveyance. Transfers of registered land are made by the owner, who executes the usual deed (quit claim or warranty) and submits it, together with his certificate of title, to the buyer. In every transaction, the owner must produce his certificate of title. He can do absolutely nothing without it. No new forms of conveyance are required. The buyer, after inspection of the proper folium of title in the register, and finding thereon no encumbrance or lien, safely pays over the purchase money and receives the deed and certificate of title. He then delivers them both to the registrar, who notes the transfer upon the register. This act operates to transfer the title. No title passes by the delivery of the deed, whose sole object is to authorize the registrar to register the transfer. A mortgage of registered land is effected in somewhat the same manner. When a mortgage is paid, a release of the same is filed with the registrar, who thereupon notes the release upon the register book as well as upon the certificate of title. Registered owners, by deed or other instrument filed with the registrar, may create such trusts as may be desired. The terms of the trust are not set forth in the certificate of title,

but after the name of the trustee is inserted the words "in trust," "upon condition," or "with limitation," as the case may be. No subsequent transfer or dealing can be had thereafter, except upon the written opinion of at least two of the examiners of title, that the proposed transfer or dealing is in accordance with the terms of the trust, condition or limitation. No judgment, decree, attachment, *lis pendens*, mechanic's lien, nor other statutory or equitable lien except taxes or special assessments, is a lien upon registered land, until a certified copy of the judicial proceedings, or a copy of the instrument upon which the lien is based, is filed with the registrar, and a brief note thereon is entered by him upon the certificate of title in the registrar. This abolishes all general liens, and one dealing with a registered title can safely ignore any lien not entered upon the certificate of title in the register. Dower is preserved in registered land, and in its first registration, as well as in all subsequent dealings, the right of dower in the husband or wife is recognized and protected. The same is true of the statutory right of homestead. Upon the death of a registered owner, for the purpose of distribution of his estate, his registered lands are treated as personal property. Before transferring or otherwise dealing with the land, the executor or administrator must file with the registrar, as authority for such transfer or dealing, a certified copy of an order of the court administering upon the estate of the deceased owner. In the case of ordinary distribution among devisees or heirs, the executor or administrator upon proper authority from the court appointing him, will apply to the registrar to have the land transferred to the devisee or heir. The sale of land for the payment of debts will be conducted as heretofore. On filing in the registrar's office the deed and order of confirmation of the sale, the registrar will transfer the land. The great advantages of this

change in administering upon land are manifest. All questions concerning heirship, dower and rights of creditors are thus conclusively settled at the time, and do not continue, as now, to remain for years afterwards as possible defects in a title. The bill also furnishes a ready recourse to a court of equity in all cases of doubt, and for control over the acts of the registrar. No provision is made for an assurance fund; for all injuries sustained by reason of the first registration, an owner may still, as now, resort to the land itself, provided he does so within five years. No fund is needed to make good such losses. As to losses sustained by registered owners through mistake or error of the registrar in effecting subsequent transfers of dealings, the opinion is expressed that they do not seem to be of sufficient frequency to warrant the accumulation of such a fund. The Commission claim that under the operation of this act, there will be the following advantages:

1st. The expense of registration will not exceed in any event the cost of a single transfer under the present system, and will in most cases be less; and the cost of all subsequent transfers will be greatly reduced.

2nd. Registered land may be sold or mortgaged and the money safely paid over within an hour or two after making the contract.

3rd. The security of the purchaser is largely increased, under the proposed system, even during the five years when the certificate is only *prima facie* evidence of title, the buyer has the benefit of, first, the official examination made by the registrar before the title is registered, and second, the conclusiveness given by law to the act of the registrar in registering subsequent transfers or dealings.

4th. Shortening of the records: as there is no copying of any deed or mortgage of any original title, as the original instruments are retained by the registrar.

5th. A safe method of quickly transferring titles at a smaller cost, will increase the salable value of real property.

In 1892 a joint special committee was appointed by the legislature of Massachusetts, to consider the different systems of land transfer, including the "Torrens System," which reported, recommending the appointment of a commission to consider the whole subject and report a bill. A commission was appointed which has during the past year given public hearings and is expected to report at the present session of the legislature. A "Land Transfer Reform League" has also been organized in that State, whose members by their written contributions to legal periodicals and in other ways have been active in bringing the Torrens System to the attention of the public. The views of this Association have been formulated in a communication to the Massachusetts commission, in which they make the following recommendation :

"That the Act to be presented to the Legislature should embody the Torrens System in its entirety, without curtailment of any of the essential features of that system ; that it should particularly provide for :

- "Thorough examination of title prior to registration ;
- "Indefeasibility of title when registered ;
- "Guarantee of title by the State ;
- "Metropolitan—not district—system of registration ;
- "Abolition of dower and homestead ;
- "Abolition of attachments on mesne process ;
- "Appointment of realty representative on the decease of a land owner ;

"Instrument creating trust to be filed in registry, but not to be extended on certificate."

They add : "That it is of more importance that the Act when finally passed, even after long delay, should be a thorough-going measure of reform than that a make-

shift or compromise which it may be difficult to repeal should be easily and quickly passed."

The result of the deliberations of this commission is awaited with much interest, as it will embody their conclusions, both as to the merits of the Torrens System, and the method of adapting it to our wants in this country. There is one striking fact which must impress all persons who investigate this question, and that is, that it has grown up in English-speaking communities under conditions favorable for an unprejudiced trial of its merits, and that the testimony of those best qualified to judge of its operations and success is almost without qualification in its favor. The further fact that no country, which has ever tried it, has abandoned it cannot be ignored.

I am aware that the presentation of this subject has occupied more time than I had intended, and the demands of a somewhat busy professional life must be my excuse for not having compressed the material into smaller compass and moulded it into more perfect shape. For the benefit of those who would like to investigate further this subject, I have appended a list of articles, most of them readily accessible, which discuss, in its various details, this question. It is proper to say that the opponents of this system have been ably represented in the discussion which it has excited, and that so great a change as that proposed by the Torrens System could not be introduced without arousing active opposition and shocking the conservative instincts of our profession. In the appended list of articles will be found a reference to an address delivered by A. M. Pence, Esq., of Chicago, before the Real Estate Congress when the subject of the Torrens System was under discussion, and no consideration of this question should ignore the criticisms which he so ably presented at that time, and which have since been published in the Chicago Legal News, under date of January 13,

1894. I am not at all inclined to believe that our profession will be found arrayed against this system, if after careful examination, it is found that its claims are well established, and its advantages to the public clear. Nor do I think that from a business point of view lawyers need fear a subtraction from their usual income by the change, as the bringing of property under the operation of the Act must render necessary the services of the profession in the preliminary search and preparation of the abstract, and the subsequent easy transfer of property must favor enlarged dealings where professional services have their part.

NOTE. — Since this address was written the Massachusetts commission has reported two bills to the legislature, which, if the brief abstracts of them printed in the newspapers are correct, incorporate the essential features of the Torrens System, and follow largely the lines recommended by the Land Transfer Reform League of Massachusetts, except that rights of dower and homestead are preserved.

An Essay on the Transfer of Land by Registration. By Sir Robert Torrens. Cassell & Co.

Torrens on Land Transfer. Spectator, Vol. 55, Page 1024.

Reform in Land Laws. Nation, Vol. 29, Page 270.

Land Transfer and Registration of titles. By Wm. D. Turner, American Law Review, Vol. 25, Page 755. Feb'y, 1892.

Land Titles in Australia. By Edward Atkinson. Century, February, 1892.

Consular Report of G. W. Griffin, Consul. State Department, Washington.

Land Transfer Reform. Address of Mr. J. Herbert Mason, before the Canadian Institute, Toronto, 1884.

- Land Transfer Reform Proceedings. Addresses of J. Herbert Mason and others, delivered before the Canada Land Law Amendment Association, Toronto, 1890.
- Report of Joint Special Committee appointed by the Legislature of Massachusetts to consider the different systems of Land Transfer, including "Torrens System," 1892.
- Address of Henry B. Hurd, of Chicago, before the Illinois State Bar Association, January 29, 1892.
- Report of the Land Transfer Commission to the Governor of the State of Illinois, with bill. Springfield, Illinois, 1893.
- Land Transfer Reform. The Australian System. John T. Hassam. Harvard Law Review, January, 1891.
- Land Transfer Reform. Suggestions as to the Question of Constitutionality. H. W. Chaplin. Same.
- Land Transfer. A Different Point of View. F. V. Balch, Harvard Law Review, March, 1893.
- Land Transfer. A reply to Criticisms of the Torrens System. James R. Carret. Harvard Law Review, April, 1893.
- Record Title to Land. H. W. Chaplin. Harvard Law Review, Volume 6, Page 302.
- Registration of Title to Land. By J. H. Beal, Harvard Law Review, Volume 6, Page 369.
- Land Transfer Reform. By John T. Hassam. Boston, 1893.
- Land Transfers. The Torrens System. A. M. Pence. Chicago Legal News, January 13, 1894.
- A New View of Registration of Title to Land. Westminster Review, July, 1886.
- Registration of Title. Official Returns of Governors of Australian Colonies. House of Commons Blue Book, 1872.
- Report of the Real Property Law Commission, with Evidence and Appendix. Adelaide, 1861.
- Real Property Act of South Australia. 1886.
- Statement of the Land Laws. By the Council of the Incorporated Law Society of the United Kingdom, 1886.
- Land Law Reform. George Osborne Morgan. Fortnightly Review, December, 1879.
- Title to Real Property. By R. Denny Urlin. Transactions of the National Association for Promotion of Social Science, 1884, pps. 131-156.

Mr. A. A. Strout: Mr. Secretary, I move that the thanks of the Association be extended to the President for the very able and instructive address which he has given us, and that the same be printed in the records.

The Secretary thereupon put the motion which was unanimously adopted.

President Libby: The next business in order is the election of officers for the ensuing year.

On motion of Mr. W. S. Choate it was voted that the chair appoint a committee of three to prepare and report a list of candidates for office for the ensuing year, to be voted upon. Thereupon the chair appointed as the committee Messrs. W. S. Choate, F. M. Higgins, and A. F. Moulton. Subsequently Mr. Choate from the committee reported a list of candidates, and in accordance with the report the following officers were elected by ballot for the ensuing year:

OFFICERS — 1894-5.

President.

CHAS. F. LIBBY, - - - Portland.

Vice Presidents.

ORVILLE D. BAKER, - - Augusta.

ALBERT R. SAVAGE, - - Auburn.

F. A. WILSON, - - Bangor.

Secretary and Treasurer.

LESLIE C. CORNISH, - - Augusta.

Executive Committee.

CHAS. F. LIBBY,	-	-	-	Portland.
FRED'K A. POWERS,	-	-	-	Houlton.
ALBERT M. SPEAR,	-	-	-	Gardiner.
CHAS. E. LITTLEFIELD,	-	-	-	Rockland.
F. C. PAYSON,	-	-	-	Portland.

Committee on Legal Education.

J. W. MITCHELL,	-	-	-	Auburn.
A. L. LUMBERT,	-	-	-	Houlton.
F. V. CHASE,	-	-	-	Portland.
JOSEPH C. HOLMAN,	-	-	-	Farmington.
JOHN B. REDMAN,	-	-	-	Ellsworth.
W. C. PHILBROOK,	-	-	-	Waterville.
JOSEPH E. MOORE,	-	-	-	Thomaston.
O. D. CASTNER,	-	-	-	Waldoboro.
GEO. A. WILSON,	-	-	-	So. Paris.
H. L. MITCHELL,	-	-	-	Bangor.
HENRY HUDSON.	-	-	-	Guilford.
WILLIAM T. HALL,	-	-	-	Richmond.
AUGUSTINE SIMMONS,	-	-	-	No. Anson.
F. W. BROWN,	-	-	-	Belfast.
C. B. DONWORTH,	-	-	-	Machias.
FRANK M. HIGGINS,	-	-	-	Limerick.

Committee on Membership.

GEORGE C. WING,	-	-	-	Auburn.
JAMES ARCHIBALD,	-	-	-	Houlton.
GEORGE M. SEIDERS,	-	-	-	Portland.
F. E. TIMBERLAKE,	-	-	-	Phillips.

J. A. PETERS, JR.,	-	-	Ellsworth.
M. S. HOLWAY,	-	-	Augusta.
E. K. GOULD,	-	-	Rockland.
GEORGE B. SAWYER,	-	-	Wiscasset.
OSCAR H. HERSEY,	-	-	Buckfield.
F. J. WHITING,	-	-	Oldtown.
WILLIS E. PARSONS,	-	-	Foxcroft.
GEORGE E. HUGHES,	-	-	Bath,
D. E. THOMPSON,	-	-	Hartland.
GEORGE E. JOHNSON,	-	-	Belfast.
S. D. LEAVITT,	-	-	Eastport.
W. P. PERKINS,	-	-	Cornish.

Committee on Law Reform.

CHAS. F. LIBBY,	-	-	Portland.
JOHN A. MORRILL,	-	-	Auburn.
F. H. APPLETON,	-	-	Bangor.
LEROY T. CARLETON,	-	-	Winthrop.
WILLIAM. H. FOGLER,	-	-	Rockland.

Committee on Legal History.

JOSIAH H. DRUMMOND,	-	-	Portland.
JOSEPH WILLIAMSON,	-	-	Belfast.
J. F. SPRAGUE,	-	-	Monson.
F. M. DREW,	-	-	Lewiston.
S. CLIFFORD BELCHER,	-	-	Farmington.

Executive Committee.

CHAS. F. LIBBY,	-	-	-	Portland.
FRED'K A. POWERS,	-	-	-	Houlton.
ALBERT M. SPEAR,	-	-	-	Gardiner.
CHAS. E. LITTLEFIELD,	-	-	-	Rockland.
F. C. PAYSON,	-	-	-	Portland.

Committee on Legal Education.

J. W. MITCHELL,	-	-	-	Auburn.
A. L. LUMBERT,	-	-	-	Houlton.
F. V. CHASE,	-	-	-	Portland.
JOSEPH C. HOLMAN,	-	-	-	Farmington.
JOHN B. REDMAN,	-	-	-	Ellsworth.
W. C. PHILBROOK,	-	-	-	Waterville.
JOSEPH E. MOORE,	-	-	-	Thomaston.
O. D. CASTNER,	-	-	-	Waldoboro.
GEO. A. WILSON,	-	-	-	So. Paris.
H. L. MITCHELL,	-	-	-	Bangor.
HENRY HUDSON.	-	-	-	Guilford.
WILLIAM T. HALL,	-	-	-	Richmond.
AUGUSTINE SIMMONS,	-	-	-	No. Anson.
F. W. BROWN,	-	-	-	Belfast.
C. B. DONWORTH,	-	-	-	Machias.
FRANK M. HIGGINS,	-	-	-	Limerick.

Committee on Membership.

GEORGE C. WING,	-	-	-	Auburn.
JAMES ARCHIBALD,	-	-	-	Houlton.
GEORGE M. SEIDERS,	-	-	-	Portland.
F. E. TIMBERLAKE,	-	-	-	Phillips.

J. A. PETERS, JR.,	-	-	Ellsworth.
M. S. HOLWAY,	-	-	Augusta.
E. K. GOULD,	-	-	Rockland.
GEORGE B. SAWYER,	-	-	Wiscasset.
OSCAR H. HERSEY,	-	-	Buckfield.
F. J. WHITING,	-	-	Oldtown.
WILLIS E. PARSONS,	-	-	Foxcroft.
GEORGE E. HUGHES,	-	-	Bath,
D. E. THOMPSON,	-	-	Hartland.
GEORGE E. JOHNSON,	-	-	Belfast.
S. D. LEAVITT,	-	-	Eastport.
W. P. PERKINS,	-	-	Cornish.

Committee on Law Reform.

CHAS. F. LIBBY,	-	-	Portland.
JOHN A. MORRILL,	-	-	Auburn.
F. H. Appleton,	-	-	Bangor.
LEROY T. CARLETON,	-	-	Winthrop.
WILLIAM. H. FOGLER,	-	-	Rockland.

Committee on Legal History.

JOSIAH H. DRUMMOND,	-	-	Portland.
JOSEPH WILLIAMSON,	-	-	Belfast.
J. F. SPRAGUE,	-	-	Monson.
F. M. DREW,	-	-	Lewiston.
S. CLIFFORD BELCHER,	-	-	Farmington.

Mr. A. A. Strout. Mr. President: I hold in my hand a communication from the Hon. Lyman D. Brewster, chairman of the committee on uniform State Laws, of the United States Bar Association, in which he announces that in nineteen states there have been commissions appointed for the purpose of suggesting uniformity of legislation in relation to certain subjects, and with a view of presenting a scheme which shall be common to all of the states, to be acted upon by the several legislatures. It is unnecessary for me to make any lengthy statement in relation to this matter, because it is perfectly well known to the members of this Association that in the different states of the Union there is great dissimilarity of law and legal procedure in relation to matters which affect all the people alike. Of course there may be in the several states reasons why there should be a dissimilarity in local laws, but there are certain matters, such as procedure in Probate Courts, the proof of wills, the registration of deeds, the very matter which has formed the subject of the address to-day, in which there is no reason in the world why there should not be substantial uniformity in all the states of the Union. The manner in which this diversity of laws and methods grew up was undoubtedly the result of the fact that the early colonies came from different nations and brought with them their own laws and methods of procedure in relation to these matters. But all these diverse communities have become united under one government and there is no longer any reason or necessity for it. We have become a more homogeneous people. There is no reason why a lawyer who has a suit to commence in any other

state in this Union should be obliged to get the assistance of a local attorney in order to commence his action. There is no reason why, if he has a will or a deed to make he should have to hunt up the law in that particular state as to what will be requisite in order to make a valid instrument.

This matter has received a great deal of attention from the American Bar Association, and it appears that there are nineteen states that have appointed a commission for the purpose of investigating and making general progress in this direction. But our legislature has not acted in conformity with the suggestions of the American Bar Association in the matter, which I believe to be of very great public importance. I have therefore prepared the following resolve; and, if adopted, I further move that a committee of three be appointed by the chair to appear before the legislature and take charge of the matter.

Resolved, That the State Bar Association of Maine, respectfully urge upon the legislature the propriety of providing for the appointment of a commission to inquire into the necessity and expediency of legislation to aid in the establishment of uniformity of legislation, relating to forms and registration, the establishment of wills, probate procedure and other like matters, so far as the same shall be found advisable and consistent.

President Libby: I would call the attention of the members to the action taken by this Association at its last annual meeting upon this same matter. At that time a bill was introduced in the legislature providing for the

creation of such a commission. The form of the bill itself was reported and this Association unanimously voted to recommend the Legislature to pass the bill. In behalf of the Association I saw that the bill was presented to the legislature myself, went before the Judiciary Committee to which it was referred, and urged its passage. At that time I stated many of the facts which brother Strout has now mentioned in introducing this resolution. I see one of the members of the Judiciary Committee present, and I would really like to know whether there was any objection to the bill itself, or whether it failed because it was thought it would involve too much expense.

Mr. F. M. Higgins: The Committee were unanimously against the appointment of a commission at that time because they thought it inexpedient.

President Libby: I want to say as a member of the Local Council from the State of Maine in the American Bar Association, that personally I consider that there are very grave reasons affecting public and private interests, why uniformity in some of these matters should be brought about. I cannot see how a want of uniformity can forward or promote the public good. If there are any good reasons I think now is a good time to discuss them.

Mr. F. M. Higgins: I want to say in relation to this matter that when it was considered by the committee the only information we received was through the president of this Association. His time was limited and the hearing was a very short one. There were no documents, nothing to show how many states had adopted it, no estimate as

to the expense, and as I remember it the committee was not satisfied that it was expedient at that time to appoint a commission. Again, it was thought that the appointment of such a commission would seem to lead to the appointment of other commissions asked for about that time, and so the whole matter was reported upon as inexpedient.

President Libby: The question then was affected more or less by other matters pending before the legislature?

Mr. F. M. Higgins: It was affected to a great extent by these other matters.

The President then submitted the resolution presented by Mr. Strout and it was unanimously adopted, as was also the motion by Mr. Strout that a committee of three be appointed by the chair to present the matter to the next legislature.

The chair appointed as such committee, Mr. A. A. Strout, Mr. F. A. Wilson, and Mr. W. C. Philbrook.

Mr. F. M. Higgins: In accordance with the suggestion of the Secretary I move that we amend Art. 11 of the by-laws by striking out the words in the second paragraph "within thirty days after said date," and insert the words "for two years in succession," so that the article as amended will read as follows:

Article 11. "The annual due shall be one dollar for each member, payable to the Treasurer on or before the first day of June in each year. Failure to pay the

annual dues for two years in succession shall terminate the membership of the person in default "

The motion was seconded and unanimously adopted.

On motion of Mr. Joseph A. Locke, the Association adjourned to meet at the Falmouth Hotel at 7.30 o'clock in the evening, at which hour the annual dinner took place.

ADJOURNED SESSION.

Falmouth Hotel, 7.30 P. M.

Met according to adjournment and seventy members were present at the annual dinner.

At the close of the dinner the following address was delivered by Judge William L. Putnam of the United States Circuit Court of Appeals. Subject, George Evans.

George Evans.

ADDRESS BY HON. WILLIAM L. PUTNAM.

Mr. President, and Brethren of the Maine State Bar Association :

Hon. George Evans was born in 1797, lived for all that part of his life in which we are concerned, first at Gardiner until 1854, and at Portland from that time until he died in 1867. He graduated at Bowdoin college in 1815. He read law with the distinguished practitioner, Frederick Allen of Gardiner, and entered on his profession at the early age of twenty-one years.

While my main purpose to-night ought to be to throw light upon him as a lawyer, and from that to draw appropriate lessons for all of us, yet his character was so thoroughly knit together, that it will be impossible to do this without first turning to his public career, which covered the prime of his life, and so much engaged his fellow citizens, and so much compelled their admiration. In 1825 he was elected a member of the State House of Representatives which commenced its session in January, 1826, was annually re-elected until the session of 1829, when he was chosen Speaker, and served as such until a vacancy was made in the Congressional representation from the Kennebec District by the resignation of Hon. Peleg Sprague. Then he offered himself as a candidate

for the successorship against Reuel Williams of Augusta, and won his election at the second attempt. Mr. Williams was fourteen years his senior, and his candidacy was founded on great abilities, extensive experience and large legal clientage, and buttressed by a most zealous local support. No gentleman in the State could at that time offer more resistance to an opposing candidate, with hope of success, than Mr. Williams. His own Augusta gave him more than seven hundred votes, to only eleven for Mr. Evans. The universal interest in the contest is shown by the fact that the State valuation of 1831 returned in that town only seven hundred and twenty polls. Gardiner voted even more thoroughly than Augusta, giving Mr. Evans five hundred and ninety-three votes and only three to Mr. Williams, while its whole number of polls returned in the State valuation referred to was five hundred and fifty-three.

At the time of Mr. Evans' first election to the Federal House of Representatives, politics were in the formative condition out of which grew the great Democratic and Whig parties. Maine was carried on the general ticket against Jackson in 1828 by a very small margin, and its entire vote was thrown against him in the electoral college; yet aside from Mr. Evans, only one representative out of the seven to which Maine was then entitled, was classed as a National Republican. The next year the Jackson party swept the State, and in the 22d Congress of 1831, and the 23d of 1823, Mr. Evans stood alone. In each of the 24th, 25th and 26th Congresses, of 1835, 1837 and 1839, Mr. Evans had but one Whig associate from Maine in the national House of Representatives; and these associates, although gentlemen of high character and local repute, were not so made up as to become prominent in the legislative councils at Washington.

Thus, for a period of twelve years, Mr. Evans stood practically the sole representative of the Whig party from

Maine, and was recognized as such; and although, on his advance to the Senate in 1841, other Whigs, among them Mr. Fessenden, afterwards of such wide reputation and unprecedented influence and power at the seat of the national government, came into the House at Washington on the flood which bore along Harrison and Tyler, yet, even then as a natural result of his long service and of the newness of the service of the gentleman referred to, Mr. Evans remained the effective link between the new administration and the State of Maine, and was at first the great dispenser of patronage, and afterwards suffered the consequences which came therefrom. The political axe fell quickly and often in the spring of 1841, and the Democratic journals said Senator Evans, made removals and appointments "through President Harrison."

In 1841 Mr. Evans, who had been re-elected to the 27th Congress, was promoted by the Whig Legislature of the State to the Senate, resigned his right to a seat in the House, and remained in the Senate until the expiration of his term in 1847. The reputation which he made for himself during his Congressional career is, perhaps, best described by Mr. Blaine :

"The only time Mr. Adams ever crossed swords in the House with a man of commanding power, was in the famous discussion of January, 1836, with George Evans of Maine. Mr. Adams had made a covert but angry attack on Mr. Webster for his opposition to the Fortification Bill in the preceding Congress, when President Jackson was making such energetic demonstrations of his readiness to go to war with France. To the surprise of his best friends, Mr. Adams warmly sustained Jackson in his belligerent correspondence with the government of Louis Philippe. His position probably cost him a seat in the United States Senate for which he was then a candidate. Mr. Webster preferred John Davis, who had the preceding year beaten

Mr. Adams in the contest for governor of Massachusetts. These circumstances were believed at the time to be the inciting cause for the assault on Mr. Webster. The duty of replying devolved on Mr. Evans. The debate attracted general attention, and the victory of Mr. Evans was everywhere recognized. The Globe for the twenty-fourth Congress contains a full report of both speeches. The stirring events of forty years have not destroyed their interest or their freshness. The superior strength, the higher order of eloquence, the greater mastery of the art of debate, will be found in the speech of Mr. Evans.

“As a parliamentary debater, using that term in its true signification and with its proper limitations, George Evans is entitled to high rank. He entered the House in 1829, at thirty-two years of age, and served until 1841, when he was transferred to the Senate. He retired from that body in 1847. Upon entering the Senate, he was complimented with a distinction never before or since conferred on a new member. He was placed at the head of the Committee on Finance, taking rank above the long list of prominent Whigs who then composed the majority in the chamber. The tenacity with which the rights of seniority are usually maintained by senators enhances the value of the compliment to Mr. Evans. Mr. Clay, who had been serving as chairman of the committee, declined in his favor with the remark that ‘Mr. Evans knew more about the finances than any other public man in the United States.’ The ability and skill displayed by Mr. Evans in carrying the tariff bill of 1842 through the Senate, fully justified the high encomiums bestowed by Mr. Clay. The opposition which he led four years after to the tariff bill of 1846 gave Mr. Evans still higher reputation, though the measure was unexpectedly carried by the casting vote of the Vice President.

“When Mr. Evans’ term of service drew near to its close,

Mr. Webster paid him the extraordinary commendation of saying in the Senate that, 'his retirement would be a serious loss to the government and the country.' He pronounced the speech just then delivered by Mr. Evans, on the finances, to be 'incomparable.' The 'senator from Maine', continued Mr. Webster, 'has devoted himself especially to studying and comprehending the revenue and finances of the country, and he understands that subject as well as any gentleman connected with the government since the days of Gallatin and Crawford—nay, as well as either of those gentlemen understood it.' This was the highest praise from the highest source! Of all who have represented New England in the Senate, Mr. Evans, as a debater, is entitled to rank next to Mr. Webster!"

However bitter may have been the political conflict, everyone who met Mr. Blaine at his Augusta fireside, felt his genial and tender spirit at home, and many knew that it diffused itself into the immediate surroundings of his residence in that city. His many thoughtful acts of kindness toward the widow of Mr. Evans, who was for a number of years his neighbor, bore evidence of the existence of this spirit, and of his appreciation of his memory exhibited by this extract.

When Mr. Evans retired from the Senate in 1847, he was in the vigor of manhood,—then fifty years of age,—and at the zenith of his political and legal fame. The next year General Taylor was elected President, and in March, 1849, the Whig party came into power at Washington. Mr. Evans was a candidate for the Treasury portfolio, but failed of success. The political reasons therefor were perhaps sufficient. Maine had failed to throw its vote for General Taylor. In 1830, immediately after the first election of Mr. Evans to the House of Representatives, occurred a political revolution in Maine, followed by a persistency in its political history, only equalled

by the similar persistency consequent on the revolution in the Fifties, which, by reason in part of quarrels in the Democratic party, threw it out of power and installed the Republican control. With only the exceptions of the year of the Harrison campaign, 1840, when the Whigs obtained for him the electoral vote of the State, and secured the choice of Edward Kent as Governor, through the interposition of the legislature, and of 1837, when Governor Kent was also elected by a disputed majority of the popular vote, the State was thoroughly Democratic for more than twenty years. The Whig party went into a minority, and into a condition apparently as hopeless in the State as that which in the nation followed the succession of Tyler to the Presidency, and was foreshadowed by Benton in the following language.

“The whig party remained with Mr. Clay; the whig Secretary of State returned to Massachusetts, inquiring, ‘*where am I to go?*’ The whig defender of Mr. Tyler went to China, clothed with a mission; and returning, found that greatest calamity, the election of a democratic president to be a fixed fact; and being so fixed, he joined it, and got another commission thereby; while Mr. Tyler himself, who was to have been the Roman cement of this whig unity, continued his march to the Democratic camp, arrived there, knocked at the gate, asked to be let in; and was refused.”

The whig leaders in Maine were far out-matched in political adroitness by those of the opposition. Evans, who by the position he had so long occupied at Washington, and by his great abilities, was looked on as the head of the party in the State, was held correspondingly responsible for its defeat. He had the elements of a great leader, but not all those of a great politician, which was what the condition in Maine more required. He was not quarrelsome, but by nature self-contained, and uncon-

sciously unable to concede where policy might require it, but where justice did not. He made firm and enduring friendships, lasting through years, but was poorly adapted to create those temporary ones which the emergencies of political events so frequently demand. In addition to this, the distribution of the patronage under the Harrison-Tyler administration, for which he was principally responsible, made enemies within his own party, who, to carry their purposes, were willing to quietly and persistently score him on account of the prominent part which he had taken in the accomplishment of that portion of the Ashburton treaty touching the Maine northern frontier. This, though at the time formally acquiesced in by the commissioners from Maine and its responsible authorities, was immediately after its accomplishment officially condemned by its Governor as unfortunate and unjust, and was always unsatisfactory to the people of this State, and a continual source of complaint on their part. Mr. Williams, his associate in the Senate from Maine, voted against the ratification of the treaty, opposed it by all honorable means within his power, and continually denounced it.

A part taken by Mr. Evans at a somewhat earlier stage of the controversy, was described by General Scott in his peculiarly self-conscious manner :

“To bring those leading Whigs and Scott together required dextrous management; for if that had happened without the presence of leading Democrats, a suspicion of foul play would have been excited. Scott, therefore, induced Senator Evans, just from Washington, to invite them, the Governor and several State Councillors to sup with him at Gardiner, a little below Augusta. The envoy took charge of his Democratic friends in a government sleigh. All the topics he intended to urge upon the Whig leaders were given and discussed in the vehicle. The

night was brilliant, and so was the entertainment. Mr. Evans, a distinguished Whig, as everybody knew, placed his Democratic guests at his end of the table, and Scott, with the Whigs around him at the other. The latter were sulky, and Scott's blandishments, in doing the honors of his position, failed to open the way to the main business of the evening, next to the supper, when, on a beckon, the master of the feast came to the rescue, and whispered to the Whigs (capital fellows) that the representative of President Van Buren, near them, was as good a Whig as the best of them! Another ludicrous surprise! Compliments and cordiality ensued at once, and viands and business were discussed together to the content of all parties. The Governor understood the object of the Senator's whispers and plainly saw that Scott had succeeded. A feast is a great peacemaker, worth more than all the usual arts of diplomacy." * * * * *

"The work was done. Virtually nothing remained, but the synthetic process of gathering up all the particular results into one general act of amnesty and good will."

In this weakness of the Whig party in Maine, and in the divisions among its leaders, which were followed by some local opposition to the candidacy of Mr. Evans for the cabinet, carried on in part secretly and in part openly, party considerations could easily find a sufficient apology for the refusal of the President to confer on him the high honor which he desired. Yet he had all the qualities of a model cabinet officer. He was companionable without being effusive; he was a good listener as well as a good talker; he had business methods and executive talents, a large training in national affairs, a thorough knowledge of departmental work, and, so far as the financial interests of the country were entrusted to the Whigs, he had stood at the head in the second rank, putting Webster and Clay as the only occupants of the first. He had been a Whig of

Whigs. Although of independent mind and of rectitude and firmness of convictions, he remained continuously within the lines of his party and its policy, because they thoroughly approved themselves to him. Therefore from the standpoint of his own personal merits, which he knew as well as any man, and this without over-appreciating, he seemed to have given bountifully of his fidelity and friendship, and received ashes in return. He was not revengeful, but the iron entered his soul. Four years afterwards he, with others, led the convention in favor of General Scott as against both Webster and Fillmore. The sentiment in Maine in favor of General Scott had been carefully worked up, commencing the winter prior to the convention. Evans was chosen the first delegate-at-large and Mr. Fessenden the second; and thus he went at the head of the State delegation, which on every ballot voted a unit for General Scott. Beneath the blows of himself and those associated with him, there fell, as the result of the convention, the greatest intellect this country had known in many generations, and also, through its defeat in the following Presidential election, the Whig party itself. This was the dark period in the life of Mr. Evans; but whether in the end he himself suffered more from the blow received than from that which was given, no one can be assured. After the campaign of 1852, no bitterness was expressed, and he did not complain, unless the sad, but not unkind nor querulous expression seen in his wonderful eyes, which accompanied the infirmities of his later years, was such complaint.

The cabinets of Harrison and Tyler, of Taylor and Fillmore, aside from Webster, found no member who was the peer of Evans, except Ewing, Crittenden and Reverdy Johnson, men with whom he was ordinarily classed for ability, character and statesmanship. It is a striking example of the fragility of mortal fame, that of all the

men who formed the cabinets spoken of, Webster alone excepted, none, not even the distinguished gentlemen I have named, nor Evans himself, are in the public mouth to-day outside of the States whose sons they were.

Mr. Evans was about five feet and ten inches in height. He was broad of shoulder, compactly and strongly built, erect in his prime, and carried his head with dignity and firmness. He had no overhanging brow and no pretence to the "godlike," but his head was large and strong, and its contour as shown in his profile was graceful and indicated the all-round man which he was. He was ordinarily spoken of as a handsome man, and he was so in the better sense of the word, his eye being a striking and remarkable feature in that respect. His hand, although strongly moulded, was small and peculiarly refined in its outlines. The chirography which flowed from it was almost indescribable; it was comparatively small and yet appeared large; it was refined and yet not finical. His signature, although neat and firm and peculiar, failed utterly to betray to me the characteristics of the man or of his career. On the whole, his handwriting was that in which Macauley might well and appropriately have written his history of England. His gesticulations and the movements of his body in addressing the House or the Senate, popular assemblies or the court, were for each practically the same, as also were his pure and simple, but strong methods of thought and diction. All such occasions were for him apparently of equal importance. The outward manifestations of his oratory were simple, not over-abounding, but very effective. Ordinarily, as described to me by a friend who heard him in his strongest days, which privilege I never enjoyed, they were for the most part quiet, but at the crucial points breaking out with a power which seemed to sweep everything before him like a tempest. He may have had the training in elocution which was more in

fashion in his day than in ours ; but, if so, it was not possible to detect it, and the result was one to which might be applied the phrase, *ars est celare artem*.

His personal character and mental and moral capacities are difficult for me, a non-expert in biography, to describe, because there are no peculiar prominences which I can seize, either with one hand or with both. He was not eccentric, he was not self-sufficient, he was not overbearing ; he was simply well compounded, of great intellectual powers, properly refined and lightened up by a sufficient imagination, and aided by that moral sense which brings one into suitable relations with the best of mankind and their works. He had been an industrious man from his youth, and his toil never ceased. He was constantly investigating and acquiring in all directions, law, domestic and foreign statesmanship, history, art, science, mathematics and literature. His memory never let go the things which he thus gathered ; neither were they stuck upon him as innumerable placards were at one time nailed to the great pine at Santa Cruz, but everything was digested and assimilated.

The best evidence of the persistency and continuity of his life was in some of his friendships, which I have already alluded to. William Pitt Fessenden, David Bronson, who entered the 27th Congress in 1841, Freeman H. Morse, who entered the 28th, and later, Israel Washburn, Jr., who entered the 32nd, formed, in those early days, relations with Mr. Evans which did not cease until they were severed by the death of one or the other. The peculiar sympathy between Mr. Evans and Mr. Fessenden, persisting notwithstanding the subsequent wide divergence of their political views and the rare occasions for bringing them together in their later years, was perhaps not thoroughly understood by anyone except myself, who had witnessed from time to time in Mr. Evans' declining

period of life the casual visits of Mr. Fessenden to his office, and their long conversations, marked by a deference on the part of this imperious senator which I presume he exhibited toward no other man. His son, the distinguished soldier and general, has brought to me the testimony of his father to the truth that the longer and closer one knew Mr. Evans, the greater he appeared. To form his acquaintance and to possess it, seemed to me like entering upon and crossing a fertile plain, lying among foothills running up into the mountains. The distant aspect may be imposing and delightful ; but, as one draws nearer and enters between the hills on either hand, he is gratified by abounding fields, rich pastures, the meadows of the intervales, comfortable and commodious homes, seen through the vistas, and waters of the mountain streams becoming clearer and yet more clear. As he thus penetrates the vale, every detail charms, but the cliffs rise higher and higher. If, also, it is the afternoon, as I saw Mr. Evans only in his afternoon, the lengthening shadows enchant the imagination, and make the depths deeper and the heights to appear higher.

By thus contemplating the general character of Mr. Evans, we can appreciate without much description what should be known of him as a lawyer. As already said, he was admitted as an attorney of the Court of Common Pleas in the County of Kennebec, in 1818. As the law and rules of court were then, he must, according to the ordinary rule, have faithfully devoted at least seven years to the acquisition of scientific and legal attainments, five years at least of them spent in professional studies with some counsellor at law, or have had a liberal education and regular degree at some public college. He must have practiced as an attorney of the Court of Common Pleas for at least two years, and practiced as an attorney of the Supreme Court for at least two years thereafter, before

he could be admitted as a counsellor of the latter court to open a cause to the jury, or argue to the court or jury any issue of law or fact; and at each stage he must, according to the ordinary rule, have received the approbation of the court and the recommendation of the bar of the county, after due inquiry and information concerning his moral character and professional qualifications.

Thus is explained the fact that, although he commenced practicing as an attorney in 1815, his first case before the Supreme Court in bench which I find reported, was *Brown vs. Gay*, 3 Greenleaf, page 126, at the June Term, 1824. This was a real action, involving the solution of an important legal conundrum; but Evans had the discomfiture at the close of his argument to hear the court stop the other side, as no reply was required. As Mr. Evans looked back on this case from his subsequent professional career, he might have found some consolation in the supposition that the result of this, apparently his first effort before the august tribunal of the Supreme Court in bench, was *pour encourager les autres*, and might have used the incident as a lesson of hope to the young men commencing their careers in the law, to whom he was always extremely kind.

When Mr Evans commenced the practice of his profession in the county of Kennebec, he was compelled to break through the ice where it was strong. He found in full possession of the field many seniors of marked ability and success: Reuel Williams, already referred to; Sprague, afterward senator, and still later the distinguished, learned and very able Federal judge for the District of Massachusetts; Bond, now forgotten, but a lawyer of ability with an extensive practice; Allen, his tutor, the mass of whose professional labors, having regard to the numerous counties which he covered and the length of years for which he was spared for active work,

has rarely been exceeded in this State; and Timothy Boutelle of Waterville. Beside these, Orr, who for success as a practitioner stands among the princes of the Maine bar, Greenleaf, Longfellow and the senior Fessenden were frequently heard in the County of Kennebec.

Although Mr. Evans gave the best of his life, closing at the age of fifty, to public affairs, which necessarily entirely withdrew him from his profession for a large portion of each year, and absorbed his energies for considerable parts of the remaining portions, the Maine Reports, following the 3rd of Greenleaf, show a sufficiency of important cases to comport with the common understanding of his great legal abilities and acquirements.

The judiciary acts passed at the first session of the Legislature of Maine, vested in our Supreme Court a considerable equity jurisdiction, the fruit of which in our early reports was a goodly number of proceedings in that branch of jurisprudence. The effect of this was to give the attorneys and counsellors of that day a thorough training in that direction, plainly apparent in the years of Mr. Evans' life through which I enjoyed his acquaintance. The principles of equity were especially adapted to his intellectual genius and tastes, and in his earlier life he must have given close attention to the study of its practice and of its technical side, so far as it has a technical side. In short, as an equity lawyer, it can be well said of him, that while his mind easily mastered technicalities, he was not fond of them, and that when dealing with the great principles and philosophical rules pertaining to this branch of jurisprudence, it will appear to no one invidious to say that he was without a superior in the State. I have seen courts listen to his arguments in chancery causes with the air of pupils rather than of judges. He had not pursued the civil law to the extent that he could be called a civilian; and in view of the abstraction from

his professional labors caused by his public life, it would be a vain thing to say that he was a great lawyer in the sense that Judge Curtis was such, or Judge Story, or even to assume that with exclusive attention he could have become the peer of either of them in that department. By reason of the roundness of his character, which I have already spoken of, I am unable to determine how far he had mastered the common law. It is sufficient to say that through his natural abilities, supported by his diligent labors, to which I have already referred, there was no occasion on which he failed to exhibit, or else to easily acquire the knowledge of the legal principles and technicalities necessary for the purpose at hand. He was in one sense careless of his fame, and, as reported by a gentleman from the eastern part of the State who knew him well, and whose word cannot be questioned, he would never prepare or revise a speech for the press, nor look at proof sheets. So it happens that specimens of his juridical addresses are difficult to obtain. I have but one extract, which I will soon read to you. In lieu thereof I introduce without hesitation brief citations from public addresses, all relating to the same topic; because, as I have already said, to him all audiences were of such equal importance and his style of such uniform clearness, simplicity and force, that I am sure specimens on one occasion will convey the correct impression of his efforts at others. All relate to his devotion to the Federal union. None of them are among those usually chosen for this purpose, as the most famous were his great speeches on the tariff, his pathetic and impromptu address on the death of Honorable Timothy J. Carter, member of Congress, residing at Paris in this State, not of his own party, and the reply to John Quincy Adams in defence of Webster. In reply to Senator McDuffie of South Carolina, Mr. Evans said:

“ Mr. President, the honorable Senator in his estimate

of the advantages to be gained by the South from a separate confederacy, makes no account of national strength and national renown. He forgets that ordeal of fire through which we passed in the establishment of our independence, and through which we could never have gone if we had not been united. The glorious past he leaves out of view altogether, while his ardent imagination revels in the brighter visions of the future. Let the separation of which he speaks take place, and that day on whose annual return ten thousand times ten thousand American hearts beat higher and quicker, that day which first beheld us an independent nation, is to be blotted from the calendar. For the South, at least, it can bring no joyous recollections, no patriotic, heart-stirring emotions. The achievements of our ancestors are all to be forgotten. Camden and King's Mountain may indeed remain within the limits of the new confederacy, but none of the renown and the glory which attach to them will belong to it. All of gallantry and prowess and noble-bearing which were then displayed, all of high renown, ever-enduring fame, honor, glory, there acquired, belonged, and ever will belong in all history to *United, United, United America*. It can never be divided, God grant that it may never be obliterated and forgotten. No account is to be taken of the glorious spectacle which we have presented to the world, in the solution of the great problem of the capacity of mankind for self-government, no account of the great advance which has taken place in government, and the progress of free institutions all over the world, for our example.

“The various events of our unparalleled Revolution, the renown achieved in that momentous struggle, the veneration for the *great and good*; the patriots whose fame is our country's inheritance; the sacred bequest of liberty, unity, strength, purchased with so much blood, and so

much treasure, are all, all to be abandoned, all sacrificed, if, in the providence of God, so deplorable an event should occur, as that which the Senator, for the purpose of illustration, has supposed. But no, sir, none of these things will happen. I have no belief that the honorable Senator himself contemplates or desires such a calamity. I have no belief that his honored State entertains the slightest wish, the faintest hope, for a separation of our Union. I am sure I should do him, and it, great injustice to attribute such a purpose to either. No man is reckless enough to covet the fame, the eternity of infamy, which must await him who shall bring upon this happy land the desolation and war which such an event must produce. The adventurous youth who undertook for a single day to guide the chariot of the sun, paid for his temerity with the forfeit of his life. Happy will it be for him who, impelled by a mad ambition, shall kindle up our system in universal conflagration, to escapè with so light a penalty. He will live, live in the reproaches and execrations of mankind, in all time. He will live in history, not on the page where are inscribed the names of the benefactors of our race, not with the good, the wise, the great; but with the enemies of the liberties and happiness of mankind, with the oppressors of their race, with the scourges whom God has permitted to desolate nations, and to quench human happiness in tears and blood."

In 1860 he said, on the same topic, as follows :

"I implore you to consider well the great perils in which we are placed, to think each for himself, and I do hope this whole community may wake up to the dangers that stare us in the face; for be assured, if this state of things continues, the disruption of this Union cannot be avoided; and if this great temple of human liberty must fall, it will fall forever! No hand of man can restore it again! Beam and architrave, column and dome, lofty

and grand as they are, will fall together, burying beneath their broken fragments the hopes of liberty for all time. Its ruins, in silent grandeur may endure for ages! but only as monuments of the wisdom and valor of our fathers who framed it, and of the imbecility of a generation unworthy to sustain it."

And later still, in a public speech he declared "that in the heat and smoke of the battle, it became his first duty to survey the field, and when his eye caught the common flag of the whole country, his place was by that flag, no matter who bore it or what the name of the party that rallied around it."

Our Judge Virgin, now so much lamented, was fond of reciting an incident which he, himself, observed in the Supreme Court in bench. That court had decided that the word "heirs" in a certain statute in this State included the widower. The same estate came again in another form before the Supreme Court after the first decision, and I believe even after it had been published in the official reports of the State. Mr. Evans desired to re-argue the question, but objection was taken by the opposing counsel on the ground that the prior decision was by a unanimous court, and the tribunal ought not to be re-taxed with listening under the circumstances. As Judge Virgin said, Mr. Evans arose, seemed to grow in stature, while the tremor ran through his limbs which was frequent when he was especially in earnest, and said: "May it please your Honors! The gentleman on the other side objects to my speaking! Why, your Honors, even the judges down there," (pointing beneath his feet) "hear before they condemn!" He obtained his hearing and secured a reversal; although the reversal, while noted in a subsequent case, was never reported, and the earlier decision has been several times cited in other States as representing the law of Maine.

By reason of the peculiarities, or rather lack of peculiarities, which I have already described, Mr. Evans' power was not apparent to the casual observer. A former friend of mine, a distinguished lawyer of Cincinnati, told me that when he was a young man, Mr. Evans was trying an important jury cause at Chicago. The gentleman opposed to him was also a young man, in whose success my friend, and others of like age, took great interest. He therefore made occasional visits to the court for the purpose of watching the progress of the cause and of his friend therein. To the earliest inquiries his friend said he was getting on without difficulty, as on the other side there was an old gentleman from Maine who was very quiet and gave him but little trouble; but near the close of the trial, on further visiting the court room, he found Mr. Evans addressing the jury, and again asked his young friend the same question as before. His reply was: "This old gentleman from Maine has skinned me, and now has my hide hung up and is pounding it." The case was an important one, and Mr. Evans won his verdict.

The only specimen which I have found reported with apparent correctness of any of his juridical arguments, was in Coolidge's case, tried in 1848. Excepting these few lines, the whole of the trial was but imperfectly set out. This case, as many of you will remember, was tried at Augusta amid scenes of great popular excitement, and Mr. Evans was compelled to breast, also, great popular prejudice. It was for Maine what the trial of Professor Webster was for Massachusetts, with the differences that Coolidge was a young, successful and popular physician, with a large and extensive practice for so young a man. He committed the murder for a small amount of money, and attempted to conceal it, all in the most bungling manner; so that under no circumstances was there apparently any reasonable hope of a successful

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defence. To add to this, the court was adjourned from the court-house to the most commodious meeting-house in the town, where a large audience thronged the main floor and the galleries. Considering the conservative character and great experience of the judges who presided at this trial, the apparent conversion of it in this way into a public spectacle was not easily comprehensible. Whether Mr. Evans consented or not, does not appear ; but if he did consent, the mistake in exposing the jury to the enlarged atmosphere of a numerous and hostile audience, he attempted unsuccessfully to parry in the following closing words :

“I reluctantly leave this subject, fearing, trembling, that I have but too feebly discharged my duty. Enough rests on me, but more on you, gentlemen. We are not in an ordinary court of justice. We are in a temple dedicated to the Most High God, where prayer and supplication are wont to be offered up to high heaven. The solemnity of the place and occasion should impress on your minds the importance of the matter which you are selected from among your fellow men to adjudge. When your verdict shall have been rendered, this vast assemblage will dissolve to be called together no more on earth, but will again assemble, and on that great day foreseen by the exile of Patmos, who in the record of his vision said : ‘I saw the dead, both small and great stand before God. I saw the books opened and the dead, both small and great were adjudged out of the books.’ When that day shall arrive, gentleman, may you stand before the great tribunal unspotted from the blood of your fellow man.”

His defence of Holmes in 1858, the master of a ship, charged with the most brutal murder of a seaman on the ocean, is not yet forgotten. Mr. Evans again attempted to breast a storm of almost universal popular indignation without success. It was something of a weakness in him as an active practitioner, that that faith which he had

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commonly in people with whom he associated, was too indiscriminately given to his clients. He believed thoroughly that Holmes' apparent crime was the result of a visitation of Providence, and persisted until by long and hard labor he secured an executive reversal of the judgment of death. The instruments which he laid hold of for this purpose were his old acquaintance with President Buchanan, and the fact while, according to the rule in Massachusetts and Maine, Justice Clifford directed the jury that the burden of proving insanity as a defence was on the person charged with the crime, Buchanan and his distinguished attorney-general had been educated in a different legal school. The marvel is that he could have persuaded the President to overrule Justice Clifford, who was his personal friend and appointee, and for whom he had the largest and most unreserved regard and consideration.

In the amenities of the legal profession, Mr. Evans was pre-eminent. Toward anyone having the duty of dispensing justice, from the highest to the lowest, he deported himself with a respect born of an instinctive regard for the law and its observance. He deemed it his duty, and not merely his pleasure, to signify the arrival of the judges at the shire-town with all such marks of courtesy and hospitality as were appropriate and practicable. Were he in the vigor of life now, none would share more largely of that *esprit* and that fraternal regard which ought to insure to this Association the longest life and most satisfactory success. His kindness to the younger members of the fraternity I have already alluded to; his patience and courteous deference in dealing with associates of the bar in consultation and elsewhere, were always the cause of gratification, at least to them, and I believe also to him. But above all he regarded it a duty to judicial tribunals not to go before them without all the special preparation

which time and the circumstances of the case would permit.

But I have detained you already longer than I ought. In all literary and scientific pursuits Mr. Evans was, as I have already said, a diligent student to the last ; he wasted no time, and interested himself, during all his later years, in matters of that nature as though he had all of life before him, and was educating himself for its struggles. He was, however, not demonstrative, and the public probably had an inadequate idea of the extent of his acquirements. The result was that with all his diligence, his exact memory, his comprehensive grasp of details, and his faculty of abstracting from them the essence of what they contained, he never failed in conversation to throw light upon almost every question, and to aid in explaining almost any remote allusion, whether of science, history, or foreign or domestic manners and politics. In all his social relations his sensibilities were alive with kindly play and good humor. His affection for his family was warm and keen beyond measure, while to others he was cordial and companionable. He was exact in the performance of all obligations, punctual and systematic. He was a patriot, and conversant with political matters as they bore on the interests of the country. He was a most patient man under the physical sufferings which, for the last of his life, were intense, and from which he had no guaranty of continued relief. While they sometimes cast a shadow upon him, they never induced bitterness or complaint.

Once in the front rank of the great leaders of the Whig party, idolized by its masses, selected especially to hold up the hand of Clay, known throughout the councils of the nation, he, like other distinguished men of his day, has gone for the most part from the memory of the country at large ; but I have described him as I knew him, and as he was known, and I trust will long be remembered, by the people of his native State.

On motion or Mr. Josiah H. Drummond, voted—

That the thanks of the Association be extended to Judge Putnam for the able and interesting address of the evening, and that a copy of the same be requested for publication with the annual proceedings.

President Libby then took charge of the post prandial exercises. Letters of regret from many invited guests were read and brief speeches were made by the guests of the evening : Governor Henry B. Cleaves ; Hon. Nathan Webb, Judge of the U. S. District Court ; Hons. L. A. Emery, Thos. H. Haskell and Andrew P. Wiswell of the Supreme Judicial Court ; Hon. Henry C. Peabody, Judge of Probate for Cumberland County, and various members of the Association.

The following resolution was unanimously passed by a rising vote.

“The Maine State Bar Association and its guests assembled at Portland, February 14, 1894, send greetings to Chief Justice Peters. They desire him to know that he, though absent, is truly with us in our affection, and our earnest prayer is that his life and usefulness may long be spared to us.”

At 12.30, A. M., the festivities closed and a final motion of adjournment was passed.

A true record.

Attest,

LESLIE C. CORNISH,
Secretary.

AMENDED BY-LAWS.

OF THE

MAINE STATE BAR
ASSOCIATION.

ARTICLE 1. MEMBERSHIP.

Members of the bar in this state, shall be eligible to membership and shall be elected at any legal meeting, upon the nomination of the committee on membership.

ARTICLE 2. OFFICERS.

The officers of this association shall be a president, three vice presidents, an executive committee, a committee on law reform, a committee on legal education and admission to the bar, a committee on legal history, a secretary and a treasurer. All these officers shall be elected by ballot at the annual meeting and shall hold office until others are elected and qualified in their stead.

Other standing committees than those above specified may be provided by the association from time to time as may be found expedient.

ARTICLE 3. PRESIDENT.

The president, or in his absence, one of the vice presidents, shall preside at all meetings of the association. The president shall be, *ex officio*, a member of the executive committee.

ARTICLE 4. EXECUTIVE COMMITTEE.

The executive committee shall consist of four members beside the president. They shall have charge of the affairs of the association, make arrangements for meetings, order the disbursement of the funds of the association, audit its accounts, and have such other powers as may be conferred on them by vote at any meeting of the association.

ARTICLE 5. COMMITTEE ON LAW REFORM.

The committee on Law Reform shall consist of five members. It shall be the duty of this committee to consider and report to the association such amendments of the law as should in their opinion be adopted; also to scrutinize proposed changes of the law, and, when necessary, report upon the same; also to observe the practical working of the judicial system of the State and recommend by written or printed reports, from time to time, any changes therein which experience or observation may suggest.

ARTICLE 6. COMMITTEE ON LEGAL EDUCATION.

The committee on legal education shall consist of one member from each county represented in the association. Its duty shall be to prepare and report a system of legal education and for examination and admission to the practice of the profession in this State, and report from time to time such changes in the system of examination and admission as may be deemed advisable.

ARTICLE 7. COMMITTEE ON MEMBERSHIP.

The committee on membership shall consist of one member from each county represented in the association. All applications for membership shall be made to the member

from the county where the applicant resides, if any, otherwise to any member of the committee. Applicants shall be nominated for membership by the concurrence of three members of this committee.

ARTICLE 8. COMMITTEE ON LEGAL HISTORY.

The committee on Legal History shall consist of so many members as the association shall, from year to year, appoint.

Its duty shall be to provide for the preservation in the archives of the Society, of the record of such facts relating to the history of the profession as may be of interest, and of suitable written or printed memorials of the lives and characters of distinguished members of the profession.

ARTICLE 9. SECRETARY.

The secretary shall keep the records of the association, have charge of its archives, and discharge such other duties as the association may require.

ARTICLE 10. TREASURER.

The treasurer shall collect and receive the dues of the association, keep and by order of the executive committee, disburse its funds, and discharge such other duties as may pertain to his office. Any person may fill the office of both Secretary and treasurer if elected thereto. A vacancy occurring in either of these offices may be filled by appointment of the executive committee.

ARTICLE 11. MEETINGS.

The annual meeting of the association shall be held on the second Wednesday of February, at such place in the city of Augusta, in the years in which the Legislature shall be in session and in the alternate years at such city in the State and at such hour as the executive committee

may determine. Special meetings may be called by the president, on application in writing of five members, ten days notice of which by mail shall be given to each member by the secretary, stating the object of the meeting. Fifteen members shall constitute a quorum at any meeting.

ARTICLE 12. ANNUAL DUES.

The annual dues shall be one dollar for each member, payable to the treasurer on or before the first day of June in each year.

Failure to pay the annual dues for two years in succession shall terminate the membership of the person in default.

ARTICLE 13. EXPULSION OF MEMBERS.

Any member may be expelled for misconduct, professional or otherwise, by a two-thirds vote of the members present at any meeting after proper notice of the charges; and all the interest of any member in the property of the association upon the termination of his membership, by expulsion, resignation or otherwise shall thereupon vest absolutely in the association.

ARTICLE 14. AMENDMENTS.

These by-laws may be amended only by a two-thirds vote of the members present at an annual meeting of the association.

MEMBERS

OF THE

MAINE STATE BAR ASSOCIATION.

1893-'94.

Androscoggin County.

D. J. Callahan,	-	-	-	Lewiston.
Seth M. Carter,	-	-	-	Auburn.
Frank W. Dana,	-	-	-	Lewiston.
Franklin M. Drew,	-	-	-	Lewiston.
Willard F. Estey,	-	-	-	Lewiston.
P. H. Kelleher,	-	-	-	Auburn.
Jesse M. Libby,	-	-	-	Mechanic Falls.
Geo. E. McCann,	-	-	-	Auburn.
C. B. Mitchell,	-	-	-	Auburn.
J. W. Mitchell,	-	-	-	Auburn.
Asa P. Moore,	-	-	-	Lisbon.
John A. Morrill,	-	-	-	Auburn.
Henry W. Oakes,	-	-	-	Auburn.
Albert R. Savage,	-	-	-	Auburn.
Thos. C. Spillane,	-	-	-	Lewiston.
A. E. Verrill,	-	-	-	Auburn.
Geo. C. Wing,	-	-	-	Auburn.

Aroostook County.

James Archibald,	-	-	-	Houlton.
J. S. Estes,	-	-	-	Caribou.
Daniel Lewis,	-	-	-	Sherman Mills.
Ansel L. Lumbert,	-	-	-	Houlton.

Aroostook County,—concluded.

Frederick A. Powers,	-	-	Houlton.
Llewellyn Powers,	-	-	Houlton.

Cumberland County.

Albert W. Bradbury,	-	-	Portland.
Wilford G. Chapman,	-	-	Portland.
Frederick V. Chase,	-	-	Portland.
Albro E. Chase,	-	-	Portland.
Wm. Henry Clifford,	-	-	Portland.
C. E. Clifford,	-	-	West Falmouth.
David H. Cole,*	-	-	Naples.
Morrill N. Drew,	-	-	Portland.
Josiah H. Drummond,	-	-	Portland.
Josiah H. Drummond, Jr.	-	-	Portland.
Isaac W. Dyer,	-	-	Portland.
John H. Fogg,	-	-	Portland.
Eben W. Freeman,	-	-	Portland.
Clarence Hale,	-	-	Portland.
Hiram Knowlton,	-	-	Portland.
W. J. Knowlton,	-	-	Portland.
P. J. Larrabee,	-	-	Portland.
Seth L. Larrabee,	-	-	Portland.
C. Thornton Libby,	-	-	Portland.
Chas. F. Libby,	-	-	Portland.
Ira S. Locke,	-	-	Portland.
Jos. A. Locke,	-	-	Portland.
John J. Lynch,	-	-	Portland.
Chas. P. Mattocks,	-	-	Portland.
Franklin C. Payson,	-	-	Portland.
Henry C. Peabody,	-	-	Portland.
Barrett Potter,	-	-	Brunswick.

* Deceased.

Wm. L. Putnam,	-	.	-	Portland.
Geo. D. Rand,	-	-	-	Portland.
Edw. M. Rand,	-	-	-	Portland.
Edwin C. Reynolds,	-	-	-	Portland.
Geo. M. Seiders,	-	-	-	Portland.
Almon A. Strout,	-	-	-	Portland.
Sewall C. Strout,	-	-	-	Portland.
Joseph W. Symonds,	-	-	-	Portland.
Benj. Thompson,	-	-	-	Portland.
Edw. F. Tompson,	-	-	-	Portland.
Levi M. Turner,	-	-	-	Portland.
Harry R. Virgin,	-	-	-	Portland.
Augustus H. Walker,	-	-	-	Bridgton.
Lindley M. Webb,	-	-	-	Portland.
Robert T. Whitehouse,	-	-	-	Portland.
Virgil C. Wilson,	-	-	-	Portland.
Albert S. Woodman,	-	-	-	Portland.

Franklin County.

Arthur F. Belcher,	-	-	-	Farmington.
S. Clifford Belcher,	-	-	-	Farmington.
Joseph C. Holman,	-	-	-	Farmington.
Elmer E. Richards,	-	-	-	Farmington.
Geo. L. Rogers,	-	-	-	Farmington.
Josiah H. Thompson,	-	-	-	Farmington.
F. E. Timberlake,	-	-	-	Phillips.

Hancock County.

Henry Boynton,	-	-	-	Sullivan.
Wm. O. Buck,	-	-	-	Bucksport.
Edward S. Clark,	-	-	-	Bar Harbor.
L. B. Deasy,	-	-	-	Bar Harbor.
E. Webster French,	-	-	-	S. W. Harbor.
Geo. R. Fuller,	-	-	-	S. W. Harbor.

Hancock County,—concluded.

L. F. Giles,	-	-	-	Ellsworth.
Hannibal E. Hamlin,	-	-	-	Ellsworth.
John T. Higgins,	-	-	-	Bar Harbor.
A. W. King,	-	-	-	Ellsworth.
John A. Peters, 2nd,	-	-	-	Ellsworth.
C. A. Spofford,	-	-	-	Deer Isle.
B. E. Tracy,	-	-	-	Winter Harbor.

Kennebec County.

Richard W. Black,	-	-	-	Augusta.
Orville D. Baker,	-	-	-	Augusta.
Geo. K. Boutelle,	-	-	-	Waterville.
James W. Bradbury,	-	-	-	Augusta.
Simon S. Brown,	-	-	-	Waterville.
Leroy T. Carleton,	-	-	-	Winthrop.
Leonard D. Carver,	-	-	-	Augusta.
Winfield S. Choate,	-	-	-	Augusta.
Leslie C. Cornish,	-	-	-	Augusta.
W. H. Fisher,	-	-	-	Augusta.
Eugene S. Fogg,	-	-	-	Augusta.
Herbert M. Heath,	-	-	-	Augusta.
Geo. W. Heselton,	-	-	-	Gardiner.
Melvin S. Holway,	-	-	-	Augusta.
Treby Johnson,	-	-	-	Augusta.
Samuel W. Lane,	-	-	-	Augusta.
Thos. Leigh, Jr.	-	-	-	Augusta.
Joseph H. Manley,	-	-	-	Augusta.
Forrest J. Martin,	-	-	-	Clinton.
Geo. S. Paine,	-	-	-	Winslow.
Arthur L. Perry,	-	-	-	Gardiner.
Warren C. Philbrook,	-	-	-	Waterville.
				Waterville.
Albert M. Spear,	-	-	-	Gardiner.
Frank L. Staples,	-	-	-	Augusta.

Kennebec County,—concluded.

Frank E. Southard,	-	-	Augusta.
Asbury C. Stilphen,	-	-	Gardiner.
Orrin A. Tuell,	-	-	Augusta
Henry S. Webster,	-	-	Gardiner.

Knox County.

Alex. A. Beaton,	-	-	Rockland.
Hiram Bliss, Jr.	-	-	Washington.
Wm. H. Fogler,	-	-	Rockland.
Edw. K. Gould,	-	-	Rockland.
G. M. Hicks,	-	-	Rockland.
Arthur S. Littlefield,	-	-	Rockland.
Chas. E. Littlefield,	-	-	Rockland.
J. H. Montgomery,	-	-	Camden.
Joseph E. Moore,	-	-	Thomaston.
David N. Mortland,	-	-	Rockland.
Reuel Robinson,	-	-	Camden.

Lincoln County.

Ozro D. Castner,	-	-	Waldoboro.
Everett Farrington,	-	-	Waldoboro.
Chas. H. Fisher,	-	-	Boothbay Harbor.
Wm. H. Hilton,	-	-	Damariscotta.
Geo. B. Sawyer,	-	-	Wiscasset.

Oxford County.

Seth W. Fife,	-	-	Fryeburg.
A. E. Herrick,	-	-	Bethel.
			Norway.
Alfred S. Kimball,	-	-	Norway.
Chas. A. Mendall,	-	-	Canton.
Geo. A. Wilson,	-	-	So. Paris.

Penobscot County.

B. C. Additon,	-	-	-	Bangor.
Frederick H. Appleton,	-	-	-	Bangor.
Chas. A. Bailey,	-	-	-	Bangor.
Chas. H. Bartlett,	-	-	-	Bangor.
James H. Burgess,	-	-	-	Bangor.
Hugh R. Chaplin,	-	-	-	Bangor.
W. C. Clark,	-	-	-	Lincoln.
Josiah Crosby,	-	-	-	Dexter.
J. Willis Crosby,	-	-	-	Dexter.
Joseph F. Gould,	-	-	-	Oldtown.
Henry P. Haynes,	-	-	-	E. Corinth.
Jasper Hutchings,	-	-	-	Bangor.
John R. Mason,	-	-	-	Bangor.
Henry L. Mitchell,	-	-	-	Bangor.
T. H. B. Pierce,	-	-	-	Dexter.
W. H. Powell,	-	-	-	Old Town.
Erastus C. Ryder,	-	-	-	Springfield.
Geo. T. Sewall,	-	-	-	Old Town.
Bertram L. Smith,	-	-	-	Patten.
Reuel Smith,	-	-	-	Bangor.
J. D. Warren,	-	-	-	Bangor.
Peregrine White,	-	-	-	Bangor.
F. J. Whiting,	-	-	-	Old Town.
Franklin A. Wilson,	-	-	-	Bangor.
Chas. F. Woodard,	-	-	-	Bangor.

Piscataquis County.

Henry Hudson,	-	-	-	Guilford.
M. W. McIntosh,	-	-	-	Brownville.
Willis E. Parsons,	-	-	-	Foxcroft.
A. M. Robinson,	-	-	-	Dover.
John F. Sprague,	-	-	-	Monson.

Sagadahoc County.

Wm. T. Hall,	-	-	-	Richmond.
Geo. E. Hughes,	-	-	-	Bath.
Chas. D. Newell,	-	-	-	Richmond.
John Scott,	-	-	-	Bath.
Franklin P. Sprague,	-	-	-	Bath.

Somerset County.

Turner Buswell,	-	-	-	Solon.
Geo. H. Chapman,	-	-	-	Fairfield.
Edward P. Coffin,	-	-	-	Skowhegan.
Abel Davis,	-	-	-	Pittsfield.
Forrest Goodwin,	-	-	-	Skowhegan.
Geo. N. Gower,	-	-	-	Skowhegan.
John W. Manson,	-	-	-	Pittsfield.
Augustine Simmons,	-	-	-	No. Anson.
C. O. Small,	-	-	-	Madison.
David E. Thompson,	-	-	-	Hartland.
L. L. Walton,	-	-	-	Skowhegan.

Waldo County.

Fred W. Brown,	-	-	-	Belfast.
R. F. Dunton,	-	-	-	Belfast.
Geo. E. Johnson,	-	-	-	Belfast.
Wm. P. Thompson,	-	-	-	Belfast.
Joseph Williamson,	-	-	-	Belfast.

Washington County.

Chas. B. Donworth,	-	-	-	Machias.
Lemuel G. Downes,	-	-	-	Calais.
H. H. Gray,	-	-	-	Millbridge.
Samuel D. Leavitt,	-	-	-	Eastport.
I. G. McLarren,	-	-	-	Eastport.

Washington County,—concluded.

Benjamin B. Murray,	-	-	Pembroke.
Chas. Peabody,	-	-	Millbridge.
B. Rogers,	-	-	Pembroke.
Edgar Whidden,	-	-	Calais.

York County.

E. C. Ambrose,	-	-	W. Buxton.
Horace H. Burbank,	-	-	Saco.
S. M. Came,	-	-	Alfred.
John B. Donovan,	-	-	Alfred.
Geo. A. Emery,	-	-	Saco.
Hampden Fairfield,	-	-	Saco.
F. W. Guptill,	-	.	Saco.
Frank M. Higgins,	-	-	Limerick.
W. P. Perkins,	-	-	Cornish.
Chas. H. Prescott,	-	-	Biddeford.
Moses A. Safford,	-	.	Kittery.
Chas. E. Weld,	-	-	W. Buxton.





STANFORD LAW LIBRARY

PROCEEDINGS

OF THE

FOURTH ANNUAL MEETING

OF THE

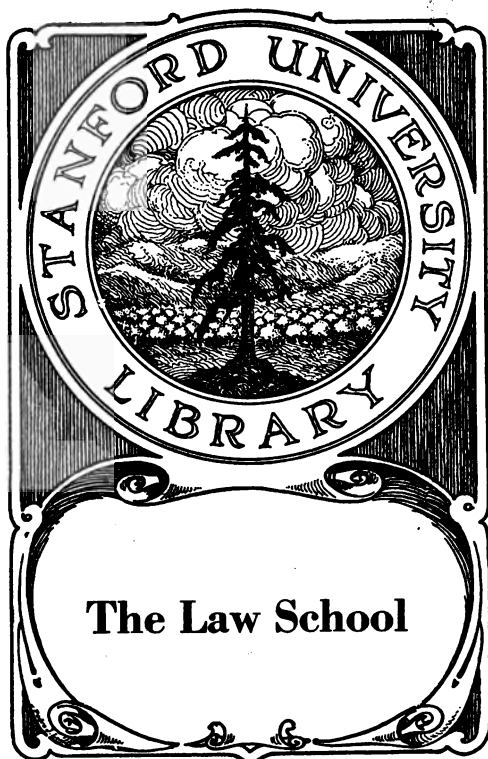
MAINE STATE BAR

ASSOCIATION

HELD AT

AUGUSTA, MAINE, FEBRUARY 15, 1895

AUGUSTA:
PRESS OF CHARLES E. NASH.
1895.



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AUGUSTA :
PRESS OF CHARLES E. NASH.
1895.

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Office of SECRETARY of
MAINE STATE BAR ASSOCIATION.

AUGUSTA, FEBRUARY 5, 1895.

DEAR SIR:

The annual meeting of the MAINE STATE BAR ASSOCIATION will be held at the Senate Chamber, Augusta, Maine, on Friday, February 15, 1895, at 4.30 o'clock P. M.

The order of business will be as follows:

1. REPORTS OF SECRETARY AND TREASURER,

2. REPORTS OF COMMITTEES.

3. ELECTION OF OFFICERS.

The meeting will conclude with a dinner at Hotel North at 8 o'clock P. M.

Please notify the Secretary at once by enclosed postal card whether you will be present at the dinner. This is necessary in order to complete arrangements. A full attendance is desired.

Per order of Executive Committee.

LESLIE C. CORNISH,
Secretary.

FOREWORD

This is an exact photo reproduction of an original copy of the

PROCEEDINGS

of the

FOURTH ANNUAL MEETING

of the

MAINE STATE BAR

ASSOCIATION

1895

in the Library of the University of Washington.

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The reprint has a very limited printing.

DENNIS & CO., INC.

Buffalo, N. Y.
December, 1942



Maine State Bar Association

FOURTH ANNUAL MEETING.

SENATE CHAMBER,

AUGUSTA, MAINE, February 15, 1895.

In accordance with the call for the annual meeting, the MAINE STATE BAR ASSOCIATION met in the Senate Chamber at the Capitol on Friday, February 15th, 1895, at 4.30 P. M., and was called to order by PRESIDENT LIBBY.

The records of the last annual meeting being in print, their reading at this time was dispensed with.

The following Report of the Treasurer was presented and accepted :

TREASURER'S REPORT.

AUGUSTA, Maine, February 14, 1895.

LESLIE C. CORNISH, Treasurer, in account with MAINE
STATE BAR ASSOCIATION, for year 1894-'95.

	Dr.
To cash on hand from preceding year,	\$123.20
“ “ received from dues, 1893-'94,	9.00
“ “ received from dues, 1894-'95,	177.00
“ “ received from advance dues,	4.00
Total,	<u>\$313.20</u>

	Cr.
1894.	
Feb. 28. By cash paid Reuel Small, Stenographer,	\$ 6.00
Apr. 16. By cash paid express,	1.10
By cash paid wrappers, postal cards and postage,	33.50
1895.	
Jan. 7. By cash paid C. E. Nash, printing,	105.54
Jan. 7. Salary of Secretary and Treasurer,	100.00
Feb. 14. By cash on hand to balance,	67.06
Total,	<u>\$313.20</u>

PRESIDENT LIBBY: The next business in order is the reports of committees. The chair is not informed of any special reports that were intended to be presented at this meeting, but will be happy to hear from any of the numerous committees, including the Committee on Law Reform, Committee on Legal Education, Committee on Membership, Committee on Legal History, that may be ready to report. If there are no reports to be made we will pass to the next business in order. The Chair observes that there is mentioned an address by the President. I thought it was only fair to the association that they should not be burdened by an address from the President this year. You remember that last year I did take occasion to present a subject to the association, and I have tried in various directions to have an address presented at this time. But I found that the gentlemen to whom I applied were so tied up by their professional engagements that it was impossible to make satisfactory arrangements. I regret the deficiency in the literary exercises of this annual meeting.

Is there any other matter of general business that any member would like to bring before the association for action at this time?

MR. L. T. CARLETON: Mr. President, if it is in order I have a resolution I desire to offer.

Resolved: That this association earnestly recommends and urges the passage by the legislature of the proposed resolve in favor of the Maine State Library for the purchase of law books to complete the sets of American Laws, Statutes, Digests and Law Reports, and of the English Law Reports.

MR. O. D. BAKER: Does that include equity?

PRESIDENT LIBBY: It is a very full list of the deficiencies of the State library on the law side. I mean by the law side, the legal side.

SECRETARY CORNISH: I copied this resolution from the resolve itself, now pending before the legislature.

MR. BAKER: It would not be understood as expressing the sense of the association to distinguish between the purchase of law and equity books?

PRESIDENT LIBBY: Not at all.

MR. BAKER: From my experience I have found the law library here more lacking perhaps on the equity side than on the law, although I think that deficiency has been partly supplied by the librarian at suggestion of members of the bar.

THE PRESIDENT: The librarian has made a detailed list which I have looked over in a general way, and it seemed to me that nearly everything he had on it ought to be included in the State library. There ought to be at least one library in the State complete in these several lines.

MR. BAKER: That detailed list embraced equity as well as law?

THE PRESIDENT: That is my recollection of it.

The resolution then received a unanimous passage.

MR. L. T. CARLETON: I don't know that what I am going to suggest is necessary, but I mention it more as a matter of information than anything else. I see in some of the reports published in the newspapers that there is a proposition which I understand is to repeal the law which was passed to prevent the presiding justice sitting in review on his own rulings. If that is the effect of the proposed law I should hope the association might take some action in relation to it, because members present will remember that that law was one that we all agreed upon.

PRESIDENT LIBBY: The Chair would say that the gentleman is correct. Such a bill has been introduced, and although the president and the secretary of this association have this afternoon appeared before the Committee on Legal Affairs to lay before it the attitude of the association which led to the enactment of the present law, and to protest against any change which would allow a judge to sit in review of his own rulings, yet the Chair thinks it would be wise to have a renewed expression of the sentiment of our members on that subject, if there is any danger of the proposed repeal being enacted by this legislature. Does the gentleman make any motion upon the subject?

MR. CARLETON: In order to bring the matter before the association I move that the President and Secretary be instructed to protest, in behalf of the association, against the repeal of that law.

MR. BAKER: I second the motion.

MR. W. S. CHOATE: Does the law as passed take away the right to sit in review of cases on motion for a new trial? I think there has been some question as to whether it takes away that right, where no ruling is pending, or only the right to sit in review of their own rulings.

PRESIDENT LIBBY: I think the act reads in a way that would be susceptible of being construed to deprive a judge of the right to sit on a motion for new trial where there are no exceptions to the rulings of the judge. I will read the section. It is sec. 11 of chap. 217 of the Public Laws of 1893: "No justice of the supreme judicial court shall sit in the law court upon the hearing of any cause tried before him, or in which any of his rulings are the subject of review, nor take any part in the decision thereof." This act, I think, was taken from an act of a neighboring state, I don't remember at this time which one; but I can see that the first clause might prevent a judge sitting on a motion for a new trial where no rulings of his were in review on exception.

MR. CHOATE: I was asking whether the new law proposed simply repealed or modified the old.

PRESIDENT LIBBY: I think the new law as proposed is practically a repeal. That is my understanding of it. I know I stated to the committee that if the object was simply to permit a judge to sit on a motion for a new trial where none of his rulings were brought in review, that could be brought about simply by leaving out the word "or" from the section, so that it should read: "No justice shall sit in a law court upon the hearing of any cause tried before him in which any of his rulings are the subject of review." I like it well enough as it is.

MR. CARLETON: I am free to say that to me it seems all right as it is.

PRESIDENT LIBBY: At the same time, the object of it was not to meet a case such as has been mentioned.

MR. BAKER: It might be more debatable as to that point.

PRESIDENT LIBBY: I understand that the motion however would not touch that. It is that the President and Secretary be requested to appear before the Legal Affairs Committee to protest in behalf of the association against any repeal of the law prohibiting a justice to sit in review of his own rulings. That was your motion, was it not?

MR. CARLETON: Yes.

PRESIDENT: And I think that does not touch this matter.

The motion was then put and carried unanimously.

MR. F. A. WILSON: At the last meeting a resolution was offered by brother A. A. STROUT of the following tenor: "Resolved, that the State Bar Association of Maine respectfully urge upon the legislature the propriety of providing for the appointment of a commission to inquire into the necessity and expediency of legislation to aid in the establishment of uniformity of legislation, relating to forms and registration, establishment of wills, probate procedure and other like matters, so far as the same shall be found advisable and consistent." The chair appointed as a committee of three, Messrs. A. A. STROUT, F. A. WILSON and W. C. PHILBROOK. Naturally

the two last named members of the committee have waited until brother STROUT, who had had sufficient interest to bring the matter before this association, should call us together for consultation. Brother STROUT has now gone abroad for his health, and for some time before he went away he had been in infirm health and pressed with his professional business, so it was impossible for him to have a session of the committee, and therefore there is no report to be made at this time. I now call the matter up and would make the suggestion that either the same committee be continued or a committee differently constituted appointed in order that the subject should receive the attention that it certainly deserves. I think there is no member of the bar that does not feel the importance of something being done to bring about uniformity on the subjects mentioned in this resolve. I have no motion to submit, but bring the matter up in order to get at the feeling of the members of this association. I do not know how long Mr. STROUT intends to be absent, but perhaps, Mr. President, you might know in regard to that.

PRESIDENT LIBBY: As soon as I learned from brother Strout that he was likely to be absent during this session of the legislature I wrote to brother Philbrook calling his attention to the matter, and when I was here early in the session I found the old resolve that had not been acted upon favorably by the last legislature and put it in shape to be introduced and referred to the judiciary committee. That resolve is now pending before that committee. If the members have in mind the explanations that were offered at the last meeting of this body, found on pages 56-57 of the proceedings of their annual meeting, they

will see that the matter was not considered upon its merits, and I think if it were properly presented to the judiciary committee that Maine would be represented in a convention of commissioners of the different states whenever such a convention is called. In the report made at the last meeting of the American Bar Association I find that fourteen states, if I remember correctly the number, have acted favorably on this matter. They have provided for the appointment of commissioners to meet with commissioners of other states when they are called together by the commissioners from the state of New York. And I would suggest that this committee be enlarged at the present meeting so that the matter will surely receive attention from the judiciary committee. I know that brother WILSON is not often at Augusta, and I think if it should be enlarged by the appointment of some members who are likely to be here and who would make it a point to go before the judiciary committee, the matter would receive favorable attention. It is not a commission receiving pay for its services, but provision is made for only its necessary expenses in case it is called upon to act. And the Chair is ready to receive any motion bearing upon that matter.

MR. WILSON: Do I understand that the resolution is now before the legislature?

PRESIDENT LIBBY: Now pending before the judiciary committee.

MR. WILSON: Would the purpose not be effected if two lawyers who reside in Augusta and one non-resident of the city here temporarily, say a member of one or the other branch of the legislature, should be a committee to follow this matter up?

PRESIDENT LIBBY: I think any enlargement of the committee which would ensure the giving of proper attention to the matter would be sufficient. I think if the committee is enlarged, in view of the absence of some of its members, that we should be able to get action upon the matter.

The motion was then put, to add the names of Messrs. **BAKER, CARLETON and CORNISH** to the committee appointed by the association at the last meeting to urge upon the legislature the passage of the resolve for the appointment of a commission on uniformity of legislation in probate matters, and was carried unanimously.

MR. O. D. BAKER: If there is no special matter to engage the attention of the association for an instant, I would like to bring to its notice a matter which to my mind has seemed for a good many years to be one of the most serious evils in connection with the trial of cases before the court sitting as a law court, and has in some cases amounted perhaps to almost a denial of justice to certain parties litigant. And that matter is, Mr. President and gentlemen, the question of the manner in which stenographers' reports of evidence are presented, and printed. We all know from our practical experience and observation that where a case is tried at any considerable length the testimony accumulates very rapidly and attains great bulk, and we also know that a large part of it is unwieldy matter that has very little, and some of it practically not any, bearing on the precise point at issue. Of course it must be taken down verbatim, but if written out in the form of question and answer and then printed in the same form, it makes a mass of testimony, and the expense both for the stenographer's and the printer's bill

in many cases is enormous, and so enormous that in some instances I have personally known of people who have been thereby prevented from taking what might be a just cause to the law court when perhaps they were almost sure of prevailing ultimately. I have known of cases where it has cost, for instance, a thousand dollars merely to have written out and printed the evidence at the trial. Now, to my mind this is a great hardship, and perhaps I might say the most serious hardship upon clients in connection with cases going to the law court. I have known many cases where the printer's and the stenographer's bills would far exceed the total of all counsel fees in the case from beginning to end, sometimes several times what any counsel would think of charging for a particular case. And clients naturally say, well, we cannot raise this money; we cannot afford to carry the case forward. I think a great deal of this expense could be saved by some proper arrangement, in the first place with reference to the manner of writing out the stenographer's reports. It seems to me that through a committee and proper consultation and deliberation, perhaps with the co-operation and advice of the court itself, through rules of court, or some legislation, if necessary, a plan could be devised by which the bulk of such testimony might be tremendously condensed, so that a witness's name and residence and occupation would not cover over from one to two pages of so-called printed matter, as is often the case now, and the evil would be obviated. I think some uniform practice with regard to the printing would be very desirable, such as they have in almost every state. Of course where there was any question of any particular importance in evidence, the question and answer could be transcribed and printed in full. But the great bulk should be in the

first place reduced in form and packed away as much as possible, and I am glad to say I see here before me one stenographer who always does this when he is not instructed to the contrary; but some of them have the habit of doing just the opposite when they are not instructed to the contrary.

And I would move, Mr. President, that the Committee on Law Reform be requested to take this subject into consideration, and through themselves and with and by consultation with the court, if they deem it proper, devise some plan, if practicable, by which this expense can at least be lessened, and report at the next meeting of the association, as perhaps it would be a matter that would require some mature consideration.

The motion was unanimously carried.

PRESIDENT LIBBY: The next business in order seems to be the election of officers for the ensuing year, and I should like to renew in this connection my suggestion of the year previous, that the propriety of electing a new head to this association should be considered. I think that perhaps it might add somewhat to the vitality and usefulness of the association.

MR. CARLETON: I move the secretary of the association be instructed to cast the ballot of the association for HON. CHARLES F. LIBBY for President.

SECRETARY CORNISH put this motion, which was unanimously carried.

Subsequently the Secretary reported that the ballot had been cast in accordance with the vote of the association, and that HON. CHARLES F. LIBBY of Portland had been unanimously elected President of the Association.

PRESIDENT LIBBY: I can only say that I appreciate the compliment involved in the re-election to this office. At the same time I cannot help feeling that perhaps the interests of the association might be better subserved by a change.

MR. CARLETON: I move that a committee be appointed by the chair to prepare a list of the remaining officers of the association for the ensuing year. I do not care to be on that committee myself and I request the chair not to appoint me.

PRESIDENT LIBBY appointed as the committee, **MESSRS. F. A. WILSON, A. M. SPEAR and O. D. BAKER.**

MR. JOSEPH E. MOORE: My attention has been particularly called to the propriety of having more uniform methods of examination for admissions to the Bar, in order that there may be perhaps no difference, or no material difference, in one county from what there is in another, so that the system shall be uniform throughout the state. It has been said, with how much truth I do not know, that those desiring admission to the bar will sometimes find it convenient to be examined in one county, or another, thinking that their examination may be easier in one county than another. I of course realize that some one of the justices of the Supreme court presides at every examination, and that if the judges of the court have some method about it there may be in a certain way a uniformity; but still it is left largely with the committee of the bar in each county. I know there is now a formality about it. There are a certain number of questions written and required to be answered by the the candidate. Then the oral examination is carried on

by the committee and the presiding judge asks any questions that he chooses. I bring this up more particularly for discussion than I do because I have anything in my mind as to how it can be made more uniform than it is at present. I would like to have the views of members upon it.

PRESIDENT LIBBY: You hear the remarks submitted by brother **MOORE** bearing upon the subject of greater uniformity in examinations to admission to the bar. The question is open for discussion.

MR. MOORE: I do not know whether a motion would be required, and I should have to ask the Chair or the Secretary if it would be necessary to instruct or request any committee to act upon this, and what committee it would be proper to send it to.

PRESIDENT LIBBY: The Committee on Legal Education. Perhaps a motion requesting that committee to take this into consideration would be in order.

MR. MOORE: I will make that as a motion. Perhaps that motion will be carried without any discussion, because it certainly can do no harm.

The motion received a unanimous passage.

MR. WILSON from the committee to prepare a list of candidates for the several offices and committees of the association for the ensuing year reported as follows; which with the President already elected makes the following:

OFFICERS—1895-6.

President.

CHAS. F. LIBBY, - - - Portland.

Vice-Presidents.

HERBERT M. HEATH, - - Augusta.

SETH M. CARTER, - - Auburn.

H. E. HAMLIN, - - Ellsworth.

Secretary and Treasurer.

LESLIE C. CORNISH, - - Augusta.

Executive Committee.

CHAS. F. LIBBY, - - Portland.

FRED'K A. POWERS, - - Houlton.

ALBERT M. SPEAR, - - Gardiner.

CHAS. E. LITTLEFIELD, - - Rockland.

F. C. PAYSON, - - Portland.

Committee on Legal Education.

J. W. MITCHELL, - - Auburn.

A. L. LUMBERT, - - Houlton.

F. V. CHASE, - - Portland.

JOSEPH C. HOLMAN, - - Farmington.

JOHN B. REDMAN, - - Ellsworth.

W. C. PHILBROOK, - - Waterville.

JOSEPH E. MOORE, - - Thomaston.

O. D. CASTNER, - - Waldoboro.

GEO. A. WILSON, - - So. Paris.

H. L. MITCHELL, - - Bangor.

HENRY HUDSON, - - Guilford.

WILLIAM T. HALL, - - Richmond.

AUGUSTINE SIMMONS,	-	-	No. Anson.
F. W. BROWN,	-	-	Belfast.
C. B. DONWORTH,	-	-	Machias.
FRANK M. HIGGINS,	-	-	Limerick.

Committee on Membership.

GEORGE C. WING,	-	-	Auburn.
JAMES ARCHIBALD,	-	-	Houlton.
GEORGE M. SEIDERS,	-	-	Portland.
F. E. TIMBERLAKE,	-	-	Phillips.
J. A. PETERS, JR.,	-	-	Ellsworth.
M. S. HOLWAY,	-	-	Augusta.
E. K. GOULD,	-	-	Rockland.
GEORGE B. SAWYER,	-	-	Wiscasset.
OSCAR H. HERSEY,	-	-	Buckfield.
F. J. WHITING,	-	-	Oldtown.
WILLIS F. PARSONS,	-	-	Foxcroft.
GEORGE E. HUGHES,	-	-	Bath.
L. L. WALTON,	-	-	Skowhegan.
GEORGE E. JOHNSON,	-	-	Belfast.
S. D. LEAVITT,	-	-	Eastport.
W. P. PERKINS,	-	-	Cornish.

Committee on Law Reform.

CHAS. F. LIBBY,	-	-	Portland.
JOHN A. MORRILL,	-	-	Auburn.
F. H. APPLETON,	-	-	Bangor.
LEROY T. CARLETON,	-	-	Winthrop.
WILLIAM H. FOGLER,	-	-	Rockland.

Committee on Legal History.

JOSIAH H. DRUMMOND,	-	-	Portland.
JOSEPH WILLIAMSON,	-	-	Belfast.

J. F. SPRAGUE,	-	-	-	Monson.
F. M. DREW,	-	-	-	Lewiston.
S. CLIFFORD BELCHER,	-	-	-	Farmington.

PRESIDENT LIBBY: The Chair regrets to notice that the modesty of the committee acting in this matter has resulted in leaving off from the list of vice-presidents their own names.

MR. WILSON: We thought we saw what the wish of the association was and attempted to conform to it. We accept the situation. (Laughter.)

MR. MOORE: I move that the report be accepted as the list of officers seems to be very much of an improvement over the one of last year. (Laughter.)

PRESIDENT LIBBY: You have heard the report of the committee, and what action will you take with it?

MR. F. E. TIMBERLAKE: I move that it be accepted and that the secretary be instructed to cast the ballot in behalf of the members for that list of officers.

PRESIDENT LIBBY: In order that the motion should be entertained it is necessary that there should be unanimous consent.

No objection was raised and the motion was put and carried unanimously.

Subsequently SECRETARY CORNISH reported that he had cast the ballot in accordance with his instructions and that all the candidates reported by the committee had been unanimously elected.

PRESIDENT LIBBY: Members will perhaps remember a change in the by-laws by which the association may meet in any other city than Augusta. Last year it met at Portland, it being the intention apparently that it should meet here every year in which the legislature may be in session. I call your attention to this matter as bearing upon the question of where the next annual meeting shall be held.

MR. FRANK M. HIGGINS: For the sake of bringing the matter before the association, I move that the next meeting be held at Bangor.

MR. WILSON: I can assure you, Mr. President and gentlemen, that such as we have would be freely offered, and we should be most happy to see a large representation of members of the bar at Bangor. I am sure conventions are very fond of coming there. Church conventions and Democratic conventions always like to come to Bangor, and I know of no reason why the members of the bar could not be entertained there as well as anywhere else, and perhaps better.

PRESIDENT LIBBY: I understand brother Wilson's remark to be in the nature of a second to the motion.

MR. WILSON: I wish the members, before they vote, to understand that they have been cordially invited.

The motion to hold the next annual meeting in the city of Bangor was then put and carried unanimously.

The association then adjourned to meet in the evening at 8 o'clock, at Hotel North, at which hour the annual dinner took place, President Libby presiding.

AMENDED BY-LAWS.
OF THE
MAINE STATE BAR
ASSOCIATION.

ARTICLE 1. MEMBERSHIP.

Members of the bar in this State, shall be eligible to membership and shall be elected at any legal meeting, upon the nomination of the committee on membership.

ARTICLE 2. OFFICERS.

The officers of this association shall be a president, three vice presidents, an executive committee, a committee on law reform, a committee on legal education and admission to the bar, a committee on legal history, a secretary and a treasurer. All these officers shall be elected by ballot at the annual meeting and shall hold office until others are elected and qualified in their stead.

Other standing committees than those above specified may be provided by the association from time to time as may be found expedient.

ARTICLE 3. PRESIDENT.

The president, or in his absence, one of the vice presidents, shall preside at all meetings of the association. The president shall be, *ex officio*, a member of the executive committee.

ARTICLE 4. EXECUTIVE COMMITTEE.

The executive committee shall consist of four members beside the president. They shall have charge of the affairs of the association, make arrangements for meetings, order the disbursement of the funds of the association, audit its accounts, and have such other powers as may be conferred on them by vote at any meeting of the association.

ARTICLE 5. COMMITTEE ON LAW REFORM.

The committee on Law Reform shall consist of five members. It shall be the duty of this committee to consider and report to the association such amendments of the law as should in their opinion be adopted; also to scrutinize proposed changes of the law, and, when necessary, report upon the same; also to observe the practical working of the judicial system of the State and recommend by written or printed reports, from time to time, any changes therein which experience or observation may suggest.

ARTICLE 6. COMMITTEE ON LEGAL EDUCATION.

The committee on legal education shall consist of one member from each county represented in the association. Its duty shall be to prepare and report a system of legal education and for examination and admission to the practice of the profession in this State, and report from time to time such changes in the system of examination and admission as may be deemed advisable.

ARTICLE 7. COMMITTEE ON MEMBERSHIP.

The committee on membership shall consist of one member from each county represented in the association. All applications for membership shall be made to the

member from the county where the applicant resides, if any, otherwise to any member of the committee. Applicants shall be nominated for membership by the concurrence of three members of this committee.

ARTICLE 8. COMMITTEE ON LEGAL HISTORY.

The committee on Legal History shall consist of so many members as the association shall, from year to year, appoint.

Its duty shall be to provide for the preservation in the archives of the Society, of the record of such facts relating to the history of the profession as may be of interest, and of suitable written or printed memorials of the lives and characters of distinguished members of the profession.

ARTICLE 9. SECRETARY.

The secretary shall keep the records of the association, have charge of its archives, and discharge such other duties as the association may require.

ARTICLE 10. TREASURER.

The treasurer shall collect and receive the dues of the association, keep and by order of the executive committee, disburse its funds, and discharge such other duties as may pertain to his office. Any person may fill the office of both secretary and treasurer if elected thereto. A vacancy occurring in either of these offices may be filled by appointment of the executive committee.

ARTICLE 11. MEETINGS.

The annual meeting of the association shall be held on the second Wednesday of February, at such place in the city of Augusta, in the years in which the legislature shall be in session and in the alternate years at such city in the State and at such hour as the executive committee

may determine. Special meetings may be called by the president, on application in writing of five members, ten days notice of which by mail shall be given to each member by the secretary, stating the object of the meeting. Fifteen members shall constitute a quorum at any meeting.

ARTICLE 12. ANNUAL DUES.

The annual dues shall be one dollar for each member, payable to the treasurer on or before the first day of June in each year.

Failure to pay the annual dues for two years in succession shall terminate the membership of the person in default.

ARTICLE 13. EXPULSION OF MEMBERS.

Any member may be expelled for misconduct, professional or otherwise, by a two-thirds vote of the members present at any meeting after proper notice of the charges; and all the interest of any member in the property of the association upon the termination of his membership, by expulsion, resignation or otherwise, shall thereupon vest absolutely in the association.

ARTICLE 14. AMENDMENTS.

These by-laws may be amended only by a two-thirds vote of the members present at an annual meeting of the association.

MEMBERS
OF THE
MAINE STATE BAR ASSOCIATION.
1894-'95.

Androscoggin County.

W. W. Bolster,	-	-	-	Auburn.
D. J. Callahan,	-	-	-	Lewiston.
Seth M. Carter,	-	-	-	Auburn.
Frank W. Dana,	-	-	-	Lewiston.
Franklin M. Drew,	-	-	-	Lewiston.
Willard F. Estey,	-	-	-	Lewiston.
Nathan W. Harris,	-	-	-	Auburn.
P. H. Kelleher,	-	-	-	Auburn.
Jesse M. Libby,	-	-	-	Mechanic Falls.
Geo. E. McCann,	-	-	-	Auburn.
J. W. Mitchell,	-	-	-	Auburn.
Asa P. Moore,	-	-	-	Lisbon.
John A. Morrill,	-	-	-	Auburn.
Frank L. Noble,	-	-	-	Lewiston.
Henry W. Oakes,	-	-	-	Auburn.
Albert R. Savage,	-	-	-	Auburn.
Thos. C. Spillane,	-	-	-	Lewiston.
A. E. Verrill,	-	-	-	Auburn.
Wallace H. White,	-	-	-	Lewiston.
Geo. C. Wing,	-	-	-	Auburn.

Aroostook County.

James Archibald,	-	-	-	Houlton.
Charles F. Daggett,	-	-	-	Presque Isle
J. S. Estes,	-	-	-	Caribou.

Ira G. Hersey,	-	-	-	Houlton.
Daniel Lewis,	-	-	-	Sherman Mills.
Ansel L. Lumbert,	-	-	-	Houlton.
Frederick A. Powers,	-	-	-	Houlton.
Llewellyn Powers,	-	-	-	Houlton.
R. W. Shaw,	-	-	-	Houlton.
Geo. H. Smith,	-	-	-	Presque Isle.

Cumberland County.

Albert W. Bradbury,	-	-	-	Portland.
Wilford G. Chapman,	-	-	-	Portland.
Frederick V. Chase,	-	-	-	Portland.
Albro E. Chase,	-	-	-	Portland.
Wm. Henry Clifford,	-	-	-	Portland.
C. E. Clifford,	-	-	-	West Falmouth.
Morrill N. Drew,	-	-	-	Portland.
Josiah H. Drummond,	-	-	-	Portland.
Josiah H. Drummond, Jr.,	-	-	-	Portland.
Isaac W. Dyer,	-	-	-	Portland.
John H. Fogg,	-	-	-	Portland.
Eben W. Freeman,	-	-	-	Portland.
Clarence Hale,	-	-	-	Portland.
Hiram Knowlton,	-	-	-	Portland.
W. J. Knowlton,	-	-	-	Portland.
P. J. Larrabee,	-	-	-	Portland.
Seth L. Larrabee,	-	-	-	Portland.
C. Thornton Libby,	-	-	-	Portland.
Chas. F. Libby,	-	-	-	Portland.
Ira S. Locke,	-	-	-	Portland.
Jos. A. Locke,	-	-	-	Portland.
Wm. H. Looney,	-	-	-	Portland.
John J. Lynch,	-	-	-	Portland.
Chas. P. Mattocks,	-	-	-	Portland.
Augustus F. Moulton,	-	-	-	Portland.

Franklin C. Payson,	-	-	Portland.
Henry C. Peabody,	-	-	Portland.
Barrett Potter,	-	-	Brunswick.
Wm. L. Putnam,	-	-	Portland.
Geo. D. Rand,	-	-	Portland.
Edw. M. Rand,	-	-	Portland.
Edwin C. Reynolds,	-	-	Portland.
Geo. M. Seiders,	-	-	Portland.
Almon A. Strout,	-	-	Portland.
H. W. Swasey,	-	-	Portland.
Joseph W. Symonds,	-	-	Portland.
Benj. Thompson,	-	-	Portland.
Edw. F. Tompson,	-	-	Portland.
Levi M. Turner,	-	-	Portland.
H. M. Verrill,	-	-	Portland.
Harry R. Virgin,	-	-	Portland.
Augustus H. Walker,	-	-	Bridgton.
Lindley M. Webb,	-	-	Portland.
Richard Webb,	-	-	Portland.
Robert T. Whitehouse,	-	-	Portland.
Virgil C. Wilson,	-	-	Portland.
Albert S. Woodman,	-	-	Portland.
Edward Woodman,	-	-	Portland.

Franklin County.

Arthur F. Belcher,	-	-	Farmington.
S. Clifford Belcher,	-	-	Farmington.
Joseph C. Holman,	-	-	Farmington.
Elmer E. Richards,	-	-	Farmington.
Geo. L. Rogers,	-	-	Farmington.
Josiah H. Thompson,	-	-	Farmington.
F. E. Timberlake,	-	-	Phillips.

Hancock County.

Henry Boynton,	-	-	Sullivan.
Wm. O. Buck,	-	-	Bucksport.

Edward S. Clark,	-	-	-	Bar Harbor.
L. B. Deasy,	-	-	-	Bar Harbor.
O. F. Fellows,	-	-	-	Bucksport.
E. Webster French,	-	-	-	S. W. Harbor.
Geo. R. Fuller,	-	-	-	S. W. Harbor.
L. F. Giles,	-	-	-	Ellsworth.
Hannibal E. Hamlin,	-	-	-	Ellsworth.
John T. Higgins,	-	-	-	Bar Harbor.
A. W. King,	-	-	-	Ellsworth.
John A. Peters, 2nd,	-	-	-	Ellsworth.
C. A. Spofford,	-	-	-	Deer Isle.
B. E. Tracy,	-	-	-	Winter Harbor.

Kennebec County.

Charles L. Andrews,	-	-	-	Augusta.
Richard W. Black,	-	-	-	Augusta.
Orville D. Baker,	-	-	-	Augusta.
Geo. K. Boutelle,	-	-	-	Waterville.
James W. Bradbury,	-	-	-	Augusta.
Simon S. Brown,	-	-	-	Waterville.
Leroy T. Carleton,	-	-	-	Winthrop.
Leonard D. Carver,	-	-	-	Augusta.
Winfield S. Choate,	-	-	-	Augusta.
Leslie C. Cornish,	-	-	-	Augusta.
W. H. Fisher,	-	-	-	Augusta.
Eugene S. Fogg,	-	-	-	Augusta.
Wm. T. Haines,	-	-	-	Waterville.
Herbert M. Heath,	-	-	-	Augusta.
Geo. W. Heselton,	-	-	-	Gardiner.
Melvin S. Holway,	-	-	-	Augusta.
Treby Johnson,	-	-	-	Augusta.
Samuel W. Lane,	-	-	-	Augusta.
Thos. Leigh, Jr.	-	-	-	Augusta.
Joseph H. Manley,	-	-	-	Augusta.
Geo. S. Paine,	-	-	-	Winslow.

Arthur L. Perry,	-	-	-	Gardiner.
Warren C. Philbrook,	-	-	-	Waterville.
				Waterville.
Albert M. Spear,	-	-	-	Gardiner.
Frank L. Staples,	-	-	-	Augusta.
Frank E. Southard,	-	-	-	Augusta.
Asbury C. Stilphen,	-	-	-	Gardiner.
Lendall Titcomb,	-	-	-	Augusta.
Orrin A. Tuel,*	-	-	-	Augusta.
Edmund F. Webb,	-	-	-	Waterville.
Henry S. Webster,	-	-	-	Gardiner.

Knox County.

Alex A. Beaton,	-	-	-	Rockland.
Hiram Bliss, Jr.	-	-	-	Washington.
Wm. H. Fogler,	-	-	-	Rockland.
Edw. K. Gould,	-	-	-	Rockland.
G. M. Hicks,	-	-	-	Rockland.
Arthur S. Littlefield,	-	-	-	Rockland.
Chas. E. Littlefield,	-	-	-	Rockland.
J. H. Montgomery,	-	-	-	Camden.
Joseph E. Moore,	-	-	-	Thomaston.
David N. Mortland,	-	-	-	Rockland.
True P. Pierce,	-	-	-	Rockland.
Reuel Robinson,	-	-	-	Camden.

Lincoln County.

Ozro D. Castner,	-	-	-	Waldoboro.
Everett Farrington,	-	-	-	Waldoboro.
Chas. H. Fisher,	-	-	-	Boothbay Harbor.
Wm. H. Hilton,	-	-	-	Damariscotta.
Geo. B. Sawyer,	-	-	-	Wiscasset.

Oxford County.

Seth W. Fife,	-	-	-	Fryeburg.
A. E. Herrick,	-	-	-	Bethel.

* Deceased.

Edward S. Clark,	-	-	-	Bar Harbor.
L. B. Deasy,	-	-	-	Bar Harbor.
O. F. Fellows,	-	-	-	Bucksport.
E. Webster French,	-	-	-	S. W. Harbor.
Geo. R. Fuller,	-	-	-	S. W. Harbor.
L. F. Giles,	-	-	-	Ellsworth.
Hannibal E. Hamlin,	-	-	-	Ellsworth.
John T. Higgins,	-	-	-	Bar Harbor.
A. W. King,	-	-	-	Ellsworth.
John A. Peters, 2nd,	-	-	-	Ellsworth.
C. A. Spofford,	-	-	-	Deer Isle.
B. E. Tracy,	-	-	-	Winter Harbor.

Kennebec County.

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Richard W. Black,	-	-	-	Augusta.
Orville D. Baker,	-	-	-	Augusta.
Geo. K. Boutelle,	-	-	-	Waterville.
James W. Bradbury,	-	-	-	Augusta.
Simon S. Brown,	-	-	-	Waterville.
Leroy T. Carleton,	-	-	-	Winthrop.
Leonard D. Carver,	-	-	-	Augusta.
Winfield S. Choate,	-	-	-	Augusta.
Leslie C. Cornish,	-	-	-	Augusta.
W. H. Fisher,	-	-	-	Augusta.
Eugene S. Fogg,	-	-	-	Augusta.
Wm. T. Haines,	-	-	-	Waterville.
Herbert M. Heath,	-	-	-	Augusta.
Geo. W. Heselton,	-	-	-	Gardiner.
Melvin S. Holway,	-	-	-	Augusta.
Treby Johnson,	-	-	-	Augusta.
Samuel W. Lane,	-	-	-	Augusta.
Thos. Leigh, Jr.	-	-	-	Augusta.
Joseph H. Manley,	-	-	-	Augusta.
Geo. S. Paine,	-	-	-	Winslow.

Arthur L. Perry,	-	-	-	Gardiner.
Warren C. Philbrook,	-	-	-	Waterville.
				Waterville.
Albert M. Spear,	-	-	-	Gardiner.
Frank L. Staples,	-	-	-	Augusta.
Frank E. Southard,	-	-	-	Augusta.
Asbury C. Stilphen,	-	-	-	Gardiner.
Lendall Titcomb,	-	-	-	Augusta.
Orrin A. Tuell,*	-	-	-	Augusta.
Edmund F. Webb,	-	-	-	Waterville.
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Hiram Bliss, Jr.	-	-	-	Washington.
Wm. H. Fogler,	-	-	-	Rockland.
Edw. K. Gould,	-	-	-	Rockland.
G. M. Hicks,	-	-	-	Rockland.
Arthur S. Littlefield,	-	-	-	Rockland.
Chas. E. Littlefield,	-	-	-	Rockland.
J. H. Montgomery,	-	-	-	Camden.
Joseph E. Moore,	-	-	-	Thomaston.
David N. Mortland,	-	-	-	Rockland.
True P. Pierce,	-	-	-	Rockland.
Reuel Robinson,	-	-	-	Camden.

Lincoln County.

Ozro D. Castner,	-	-	-	Waldoboro.
Everett Farrington,	-	-	-	Waldoboro.
Chas. H. Fisher,	-	-	-	Boothbay Harbor.
Wm. H. Hilton,	-	-	-	Damariscotta.
Geo. B. Sawyer,	-	-	-	Wiscasset.

Oxford County.

Seth W. Fife,	-	-	-	Fryeburg.
A. E. Herrick,	-	-	-	Bethel.

* Deceased.

Waldo County.

Fred W. Brown,	-	-	-	Belfast.
R. F. Dunton,	-	-	-	Belfast.
Geo. E. Johnson,	-	-	-	Belfast.
Wm. P. Thompson,	-	-	-	Belfast.
Joseph Williamson,	-	-	-	Belfast.

Washington County.

Chas. B. Donworth,	-	-	-	Machias.
Lemuel G. Downes,	-	-	-	Calais.
H. H. Gray,	-	-	-	Millbridge.
Samuel D. Leavitt,	-	-	-	Eastport.
I. G. McLarren,	-	-	-	Eastport.
Benjamin B. Murray,	-	-	-	Pembroke.
Chas. Peabody,	-	-	-	Millbridge.
B. Rogers,	-	-	-	Pembroke.
Edgar Whidden,	-	-	-	Calais.

York County.

E. C. Ambrose,	-	-	-	W. Buxton.
Horace H. Burbank,	-	-	-	Saco.
S. M. Came,	-	-	-	Alfred.
John B. Donovan,	-	-	-	Alfred.
Geo. A. Emery,	-	-	-	Saco.
Hampden Fairfield,	-	-	-	Saco.
F. W. Gupstill,	-	-	-	Saco.
Geo. W. Hanson,	-	-	-	Sanford.
Frank M. Higgins,	-	-	-	Limerick.
W. P. Perkins,	-	-	-	Cornish.
Chas. H. Prescott,	-	-	-	Biddeford.
Moses A. Safford,	-	-	-	Kittery.
Chas. E. Weld,	-	-	-	W. Buxton.

PROCEEDINGS
OF THE
FIFTH ANNUAL MEETING
OF THE
MAINE STATE BAR
ASSOCIATION

HELD AT
BANGOR, MAINE, FEBRUARY 26, 1896.



AUGUSTA :
PRESS OF CHARLES E. NASH.
1896.

Waldo County.

Fred W. Brown,	-	-	-	Belfast.
R. F. Dunton,	-	-	-	Belfast.
Geo. E. Johnson,	-	-	-	Belfast.
Wm. P. Thompson,	-	-	-	Belfast.
Joseph Williamson,	-	-	-	Belfast.

Washington County.

Chas. B. Donworth,	-	-	-	Machias.
Lemuel G. Downes,	-	-	-	Calais.
H. H. Gray,	-	-	-	Millbridge.
Samuel D. Leavitt,	-	-	-	Eastport.
I. G. McLarren,	-	-	-	Eastport.
Benjamin B. Murray,	-	-	-	Pembroke.
Chas. Peabody,	-	-	-	Millbridge.
B. Rogers,	-	-	-	Pembroke.
Edgar Whidden,	-	-	-	Calais.

York County.

E. C. Ambrose,	-	-	-	W. Buxton.
Horace H. Burbank,	-	-	-	Saco.
S. M. Came,	-	-	-	Alfred.
John B. Donovan,	-	-	-	Alfred.
Geo. A. Emery,	-	-	-	Saco.
Hampden Fairfield,	-	-	-	Saco.
F. W. Guptill,	-	-	-	Saco.
Geo. W. Hanson,	-	-	-	Sanford.
Frank M. Higgins,	-	-	-	Limerick.
W. P. Perkins,	-	-	-	Cornish.
Chas. H. Prescott,	-	-	-	Biddeford.
Moses A. Safford,	-	-	-	Kittery.
Chas. E. Weld,	-	-	-	W. Buxton.

PROCEEDINGS
OF THE
FIFTH ANNUAL MEETING
OF THE
MAINE STATE BAR
ASSOCIATION

HELD AT
BANGOR, MAINE, FEBRUARY 26, 1896.

AUGUSTA:
PRESS OF CHARLES E. NASH.
1896.

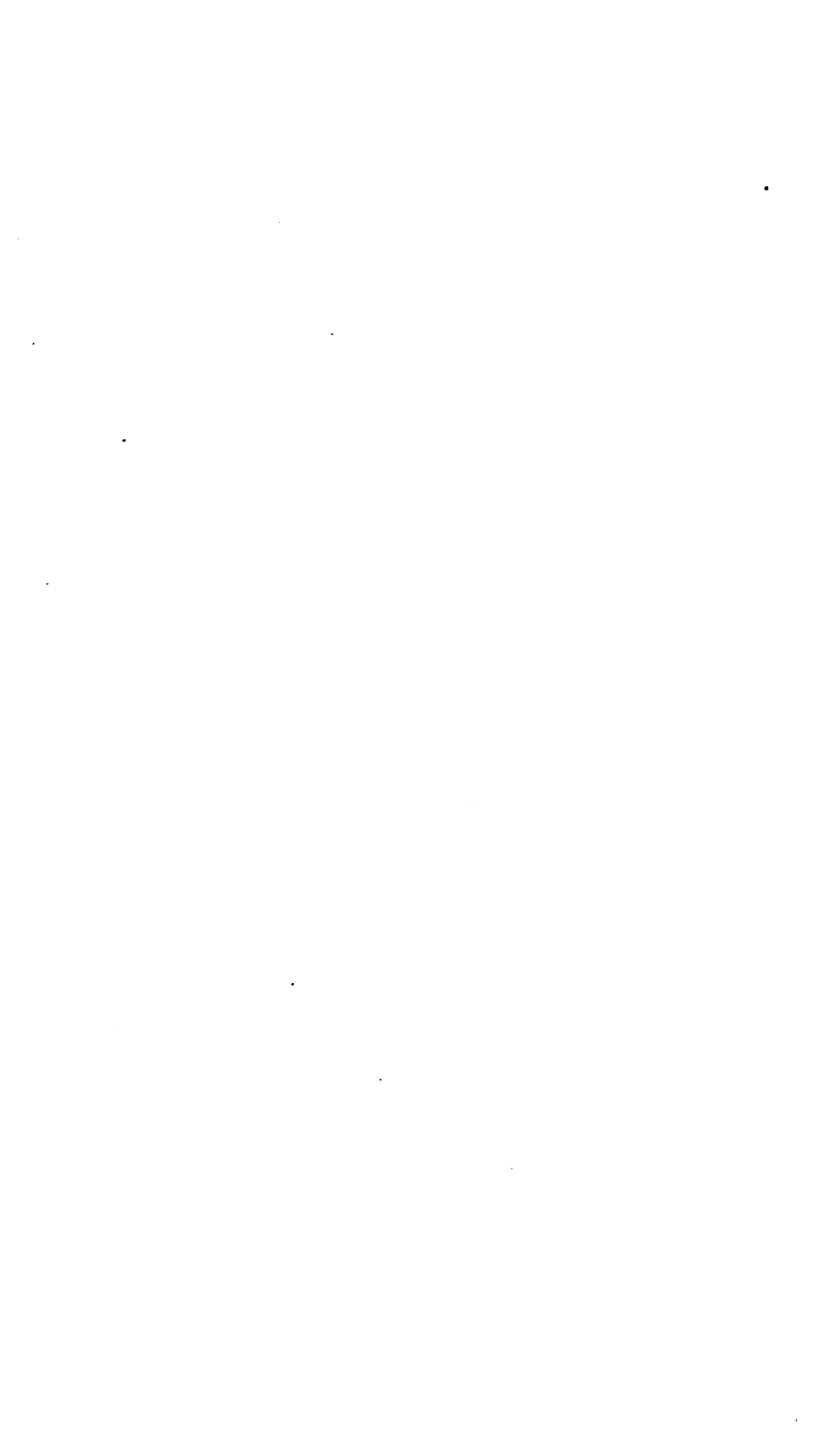
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PROCEEDINGS
OF THE
FIFTH ANNUAL MEETING
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MAINE STATE BAR
ASSOCIATION

HELD AT
BANGOR, MAINE, FEBRUARY 26, 1896.

AUGUSTA:
PRESS OF CHARLES E. NASH.
1896.

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Office of SECRETARY of

MAINE STATE BAR ASSOCIATION.

AUGUSTA, FEBRUARY 17, 1896.

DEAR SIR:

The fifth annual meeting of the MAINE STATE BAR ASSOCIATION will be held at the Court House, Bangor, Maine, on Wednesday, February 26, 1896, at 3.00 o'clock, P. M.

The order of business will be as follows:

1. REPORT OF SECRETARY AND TREASURER.

2. REPORTS OF COMMITTEES.

3. ADDRESS BY THE PRESIDENT,

HON. CHAS. F. LIBBY.

SUBJECT: "LEGAL EDUCATION."

4. ELECTION OF OFFICERS.

We hope to have as guests, several of the Judges in this State, and Hon. Moorfield Story, of Boston, President of the American Bar Association.

The meeting will conclude with a dinner at the Bangor House, at 7.00 o'clock, P. M.

Please notify the Secretary at once by enclosed postal card, whether you will be present at the dinner. This is necessary in order to complete arrangements. A full attendance is desired.

Per order of the Executive Committee.

LESLIE C. CORNISH,

Secretary.

Maine State Bar Association

FIFTH ANNUAL MEETING.

SUPREME JUDICIAL COURT ROOM.

BANGOR, MAINE, February 26, 1896.

In accordance with the call for the annual meeting, the MAINE STATE BAR ASSOCIATION met in the Supreme Judicial Court Room, at Bangor, on Wednesday, February 26, 1896, at 3.30, P. M.

The reading of the records of the last annual meeting, being in print, was at this time dispensed with.

The following Report of the Treasurer, Leslie C. Cornish, was presented and accepted :

TREASURER'S REPORT.

AUGUSTA, Maine, February 25, 1896.

LESLIE C. CORNISH, Treasurer, in account with the MAINE
STATE BAR ASSOCIATION for the year 1895-96.

Dr.

To cash on hand from preceding year,	\$67.06
“ “ received from dues, 1893-4,	2.00
“ “ received from dues, 1894-5,	15.00
“ “ received from dues current year,	155.00
“ “ received from dues, 1896-7,	5.00
“ “ received from 44 dinner tickets at \$3,	132.00
	<hr/>
Total,	\$376.06

Cr.

By cash paid, expenses annual dinner,	\$184.25
“ postage stamps for the year, wrappers and cards,	22.55
By cash paid F. A. Small, stenographer,	7.00
salary of Secretary and Treasurer,	100.00
cash paid C. E. Nash for printing,	46.84
	<hr/>
	\$360.14
Cash on deposit,	15.92
	<hr/>
	\$376.06

PRESIDENT LIBBY: The next in order is the reports of the committees, committee on Legal Education, and next on Membership. We had expected a report on Legal History; Brother Drummond was to give us a sketch of Judge Virgin, but is unable to present it at this meeting.

At the last meeting there was a special committee appointed to appear before the Legislature to protest against the repeal of the law enacted to prevent a justice sitting in review of his own rulings.

SECRETARY CORNISH: The committee attended to the duty assigned and the act as it now stands prevents a judge from sitting where his own rulings in matters of law are called in question.

PRESIDENT LIBBY: Also at that meeting, a resolution was adopted that the Bar inquire into the expediency of urging legislation to establish uniformity of laws with other states, and to ask the appointment, by the Governor, of Commissioners of the State of Maine to meet with Commissioners of other states; and Brother Hamlin, of Ellsworth, Brother Higgins, of Limerick, and myself, were appointed commissioners. In behalf of that board, I desire to report that we attended the meeting of the commissioners of the various states which was held at Detroit, Mich., in August last. We met with commissioners from twenty-seven other states and one territory. This was the third annual meeting of commissioners appointed by different states for that purpose. At first there were very few states that appointed commissioners, but each year enlarges their number; so that now a large majority of the states appoint commissioners for that purpose.

The result of the deliberations of these commissioners is, part of it, embodied in a printed report, a copy of which I have here.

Although Maine was represented for the first time, we expect to be heard at the next meeting at Saratoga, next August. My associates and myself thought that Maine ought to be willing to assume part of the expenses of the committee having in charge the bill for codifying the laws on bills and notes on the lines established in England, as reported on by the Lord Chancellor; and we guaranteed \$150, towards the \$2000, the total sum guaranteed for this committee. I think it is important (without referring to my own position on the committee) that these commissioners should not be changed yearly, and I believe that much good is likely to follow from their deliberations on matters where we all recognize necessity of uniformity. I have no doubt that this will receive due consideration by the Legislature, for so many of the members of our Association are members of the Legislature.

Is there any report from any other committee, not called for, that is ready? If not, the next business in order is the address which has fallen to the president to prepare.

ADDRESS.

BY HONORABLE CHARLES F. LIBBY, *President of Maine State Bar Association.*

LEGAL EDUCATION.

Brethren of the Maine State Bar Association:

No subject is engaging the attention of our profession at the present time more than that of legal education. There are signs of an aroused sentiment on the part of the bar to the importance of the subject, and to the fact that the standards which have heretofore prevailed are no longer adequate to meet the demands of modern life. That this recognition of the need of a more thorough and systematic preparation for the practice of law is not confined to this side of the Atlantic, is shown by the address of the Lord Chief Justice of England, which he delivered before the Council of Legal Education, in October last, upon this subject. His frank admission that the Inns of Court, — “those noblest nurseries of humanity and liberty,” in whose hands has rested for centuries the power to prescribe the conditions on which candidates shall be called to the English Bar, — have failed in their duty to keep pace with modern requirements, and to deal with the matter of legal education in the comprehensive way in which the interests of the profession and of the public require, will be a matter of surprise to many lawyers in America, who have naturally assumed that the standard of legal education in England was higher than in this country. That such is not the case if the two countries

are to be judged by what is best in each, is apparent from the statements contained in this address. To be sure, the day has gone by when a student could *eat* his way to the English Bar, and so far as the lower branch of the profession is concerned, the Incorporated Law Society, dating from 1833, has by progressive effort, aided by Parliament and the English Judges, raised the standard of solicitors and attorneys by wise provision for thorough instruction in different branches of the law, and has guarded against the admission of incompetent candidates, not only by requiring a preliminary examination which shall test the general acquirements of the student before apprenticeship, but also by strict intermediate and final examinations before admission to the Bar. To-day, the Incorporated Law Society has practical control of the conditions governing the admission of solicitors, attorneys and proctors, to the English Bar, and the influence of its work upon the profession has been marked and salutary. In the other branch of the profession the progress has not been so great, owing to the conservatism and somewhat unprogressive sentiment of the Inns of Court. In 1852, after a report of a committee, which, as the Lord Chief Justice says, was "a scathing condemnation of the then state of things," the Inns of Court established a system of lectures and readerships to aid students in traveling through the mazes of jurisprudence, but no substantial change was made in the conditions attending admission to the bar. The door opened wide and easily, and afforded no real guaranty of competent learning as a preliminary to a call. Again, in 1855, a Royal Commission was appointed to inquire into the arrangements of the Inns of Court, and to provide satisfactory tests of fitness for admission to the bar.

This Commission again resulted in a condemnation of the existing state of things, and recommended the formation of a Legal University, with power of conferring degrees of law, and also recommended that the necessary funds for carrying out the scheme should be provided by the Inns of Court. Emphasis was placed upon the necessity for a preliminary examination of candidates before admission as students at the Inns, as well as an examination before admission to the bar. The Inns of Court adopted the recommendation as to the preliminary examination, but took no action towards adopting the final or test examination, until driven so to do by resolutions of the House of Commons in 1872, which, under the lead of Sir Roundel Palmer, afterwards Lord Selborne, affirmed the necessity for the establishment of a law school, and for more thorough tests of fitness before admission to the bar. The result of all these movements has been the creation of what is called the Council of Education, who have established official examinations, enlarged the scheme of lectures which are now open to the public, and established rules which no longer render it possible to gain admission to the English Bar without at least a respectable knowledge of law. His Lordship, however, cites instances to show that it is still not very difficult to pass "a satisfactory examination after a very short novitiate," and reaches the conclusion that something more must be done to advance the interests of the profession. He recommends the establishment by royal charter, of a school of law to be called "The Inns of Court School of Law," with a governing body of thirty members, ten to be appointed by the Inns of Court, ten by the Crown, one each by the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls, one each by the four universities of Oxford,

Cambridge, London and Victoria, and three by the Incorporated Law Society. This arrangement would deprive the Inns of Court of some of their ancient privileges, but in the opinion of his Lordship would furnish security "against that narrowness which in spite of ourselves has a tendency to creep into purely professional associations." His suggestion, like that of the Royal Commission of 1855, is "that the necessary funds for carrying out the scheme of education shall be provided by the Inns of Court," which his Lordship, in another place, says are "private unincorporate associations, and hold their property on no express trust, and probably on no enforceable implied trust." These recommendations, coming from one of the highest judicial officers in England, show that the march of reform is breaking in upon the conservatism of the English Bar, and illustrate the omnipotence of Parliament in dealing with corporate funds without reference to the wishes of the custodians.

The tendency of the human mind to take refuge in artificial subtleties and distinctions when its intellectual activity is restrained within narrow limits and its speculative range is low, is as well illustrated in the history of jurisprudence as in that of scholasticism. We shall not be surprised to learn that the period of greatest technicality in the practice of the common law, corresponds to the period when legal education was most inadequate.

The remarks of the Lord Chief Justice upon this point are worthy of attention. "Chronicles agree," he says, "that the period from the sixteenth to the eighteenth century was marked by apathy in the Inns of Court; that legal instruction and legal learning were on the whole at a low ebb; and, co-incident with that apathy, and in part, probably, because of it, arose that system of special

pleading, the painful record of whose subtleties fill many volumes of laborious law reports. I do not wish to be misunderstood. In its original conception, special pleading was sound. It radically means nothing more than this — that the essential conditions, on which a claim was based, or the answer to that claim rested, should be clearly stated without redundancy. But that object was soon overlaid by a mass of technicality in which, as has been well said, the science of statement was made to appear more important than the substance of the right."

On this side of the Atlantic, the subject of legal education is receiving the attention which its importance demands. Our legal journals are replete with essays and discussions on the subject. The American Bar Association has created a separate section called the Section of Legal Education, which includes among its active members some of the most distinguished teachers in our law schools. The papers which have been read before this section are justly entitled to attention, as embodying the views of those best fitted to speak upon the matter. The address of Judge Dillon before this section in 1894, and of Mr. Justice Brewer before the association at its session in 1895, voice the growing sentiment of the profession that the highest public and professional interests require that the standard of legal education should be advanced, and that not only the study of law should be placed upon a broader and more scientific basis, but that the preliminary education of students should be such as to fit them to undertake the study of law. The state of New York has already taken a step in that direction, by requiring that all students, before commencing the study of law, shall obtain from the Regents of the State University, a certificate of fitness, based upon a satisfactory examination

in certain general studies. Many of the law schools now require preliminary examinations, and after the present year the possession of a collegiate degree will be necessary on the part of students entering the Harvard Law School as candidates for the degree of L. L. B. Students not having such a degree may enter as special students, and on attaining a rank five per cent less than that required for honors, may entitle themselves to graduation. It cannot be expected that all other schools will follow the example of Harvard, nor is it desirable, perhaps, that such should be the case, under all of the peculiar conditions affecting life in our republic. But the time has come when we may demand that students at law should possess at least a good general education, covering the English branches and some knowledge of the Latin language. The tendency is to require much more, but the realization of a higher standard must be left to the advancing sentiment of the profession, which will undoubtedly appreciate the advantages which a liberal education will bring to its members in dealing with the complex problems of modern life.

It is not to be forgotten that the character and quality of the education of the bar does not concern alone its members, but affects as well public and private interests. Lawyers have become too important factors in modern civilization to make the question of what degree of culture and learning they possess, one of mere individual or class interest. The just determination of private rights, the protection of large corporate interests, the scope and character of legislation, the character of the judiciary, and the administration of justice itself, are bound up in this question.

How large a factor lawyers have been in the history of this country, both in shaping institutions and laws, and in moulding and directing public sentiment on the great questions which have arisen at different times in our history, will be hardly recognized unless special attention has been called to the matter. The bar is indebted to Mr. J. H. Benton, Jr., of Boston, for some statistics bearing upon this question, which are published with the address he delivered before the Southern New Hampshire Bar Association, in 1894, and show to what extent the bar has participated in the formation of our government and in directing our public affairs. From the figures furnished by him, it appears that the proportion of lawyers to the male population in this country, has been on the constant increase, so that as he states, "It is doubtless within bounds to say that at the present time at least one in every four hundred of the male population of the United States is a member of the legal profession." The influence of the bar upon the bench is so direct and positive, that as Mr. Benton well says, "It is practically impossible for a lawyer to become and to remain a judge of any important court, State or Federal, unless he commands the confidence and respect of the profession." The influence of the bar on the legislative departments of our government, has not been less direct and controlling. The following statistics, taken from Mr. Benton's address, show the number of lawyers who have been members of the legislatures of the New England States, and their proportion to the whole membership in each, for periods varying from twenty-four to ninety-four years. In Maine, since 1870, the average membership of the bar in both branches of the legislature has been 1 in 10 of the total membership, while their proportion to the male population

has been only 1 in 468 ; in Vermont, the average membership since 1850 has been 1 in 12, and the proportion to the population 1 in 358 ; in Rhode Island, the average has been 1 in 12 of the legislature since 1840, and 1 in 677 of the population ; in Connecticut, the average membership since 1850 has been 1 in 16, and the proportion to the population 1 in 550 ; in Massachusetts since 1846, the proportion has been 1 in 9 of the legislature, and 1 in 475 of the population ; in New Hampshire, the average membership from 1800 to 1840 has been 1 in 13, and from 1840 to 1890 1 in 19, while the proportion to the population from 1840 to 1890 was 1 in 449. If the proportion of the bar in the legislatures of these states had been only according to population, there would have been in the legislature of Maine, a lawyer once in three years ; in the legislatures of Vermont, Connecticut, New Hampshire and Massachusetts, once in two years, and in that of Rhode Island once in six years. The statistics as to the influence of the bar in the formation of the federal government are no less remarkable. Twenty-five of the 56 signers of the Declaration of Independence, and 30 of the 55 members of the Convention which framed the Federal Constitution, were lawyers. The entire number of United States Senators since 1787, has been 3122, of whom 2068 have been lawyers. The number of representatives in Congress during that period has been 11,889, of whom 5832 have been lawyers. The lowest percentage of membership of lawyers in both branches of Congress, was in the tenth Congress, when it was 16 per cent ; the highest in the fiftieth, when it was 71 per cent. The average membership of lawyers in both branches of Congress from the beginning, has been 53 per cent ; in the House 49 per cent, and in the Senate 66 per cent. Twenty-eight of the 78 Presidents

pro tem of the United States Senate, and 36 of the 63 Speakers of the House of Representatives, have been lawyers. In the executive department of the government, the influence of the bar has not been less remarkable. Of the 24 Presidents of the United States, 19 have been lawyers. Of the 23 Vice-Presidents, 17 have been lawyers. Of the 232 cabinet officers, 218 have been members of the bar. Of the 238 Governors of the New England States, 119 have been lawyers. Of the 1157 Governors of all the States, 578 have been lawyers. Of the impress of our profession upon the organic law of our country, the statistics are not less convincing. Lawyers have predominated in all of our constitutional conventions, commencing with the convention which framed our Federal Constitution, when thirty of the fifty-five members were lawyers, down to the late Constitutional Convention in New York, when 133 of the 175 members were lawyers.

These statistics speak with an emphasis not to be misunderstood of the direct influence of lawyers on public affairs, and of the share they have taken in the constructive and administrative work of our government. And yet we should underrate their influence as a working force in the community, if we ignored the more private and less obtrusive part which they play in the various activities of life. In the community at large, they count as more than individuals, and their sphere of influence reaches out to all classes and conditions of society. Their advice is sought not only by clients who need their professional assistance, but by the people at large, who look to them as natural leaders on account of their education and experience in public affairs. In fact, it is not too much to say that no radical change in our laws or in our insti-

tutions can be effected, with the sentiment of our profession strongly arrayed against it. Happily for the community, lawyers are by habit and education strongly conservative. The practice of the law makes them strong supporters of precedents, and allies of the existing order of things. None appreciate so well as they, how important fixed rules and an established order are to the rights of the individual, and how much a respect for law and authority underlies the perpetuity of our institutions. To this sentiment, aided by wise statesmanship and an enlightened judiciary, has been due the stability of our government in the past, and the success with which we have avoided many of the dangers which surround a government which is founded on the broadest suffrage. These dangers are so great, that many political writers believed that the experiment of our republic could not succeed. That it has succeeded, it is now admitted, is largely due to the restraining and guiding influence of our profession.

Whatever have been the dangers of the past, the dangers of the future are not less menacing. The problems of modern civilization are complex and troublesome. The forces of modern life are titanic in their energy, and unless restrained within safe limits are likely to overthrow the foundations of the body politic. New doctrines are coming to the fore, which threaten rights of property and the character of our institutions. Even constitutional guaranties may prove ineffectual against mere force of numbers, unless ignorance is opposed by organized intelligence. The increasing disparity in social conditions, the growth of huge monopolies under corporate forms, the antagonism between capital and labor which may result in a combination of forces arrayed against each other, and the growing tendency towards some form of

state socialism,—these are some of the phases of modern life which present new problems whose solution is likely to tax the wisdom of the race, and call for both statesmanship and educational equipment of the highest order; and it is not to be forgotten that on our profession must rest much of the responsibility of their wise solution. The progress of modern science has not only changed methods of education, but by its discoveries and inventions has introduced new forces into industrial life, and changed the current and volume of the world's commerce. The telegraph, telephone and other appliances by which electricity has been harnessed to the machinery of practical life, have introduced new agencies of civilization, which have stimulated the activities and augmented in many ways the resources of the race. All these factors, have added to the complexities of modern life, and brought to the front new questions which in their public and private aspects ultimately come before the courts for solution.

These suggestions all indicate that a better legal education is necessary, but the inquiries remain,—what shall it include, and how shall it be obtained? To these questions I can offer only partial answers.

There can be no question that the lawyer of to-day needs a much broader and more scientific education than was required fifty or even thirty years ago, to enable him to discharge properly the duties of his profession, and it is the duty of the profession as a whole, in its own interest as well as in the interest of the public, to see that an adequate education is furnished. The impulse must come from within, and whatever the profession as a whole demands, will be furnished. An incompetent and ignorant attorney is a reproach as well as a menace to the

profession. His mistakes not only add unnecessary burdens to clients, but clog the wheels of justice with cases which a better knowledge of the law would have adjusted outside of the judicial forum. The proportion of cases in the courts of last resort, which involve points of practice and procedure and do not touch the substantial merits of the controversy, is so great as to indicate that the standards of professional acquirements must be advanced, if they are to meet the demands of modern life. Some of the statistics bearing upon this point were presented to the American Bar Association by Mr. Frank C. Smith, and are worthy of careful attention. He examined and classified the decisions of all the courts in this country and Canada for the year 1893, as reported in the American Digest. The total number of cases was 18,784, and after eliminating 4584 criminal and patent cases, the result showed that of the remaining number nearly 49 per cent involved only questions of procedure, or other matters not touching the merits of the controversies. As between the Code States and the Common Law States, the showing was 48 4-5 per cent in the former, and 43 1-2 in the latter. He further showed that thirty-eight per cent of reversed cases on appeal were on points of procedure only. These figures furnish food for thought, and suggest the inquiry whether the practical outcome of professional work is such as the scientific study of the law should give.

As a State Bar Association, established to promote the study of jurisprudence and to advance the interest of the profession, the question of legal education should have for us a special interest, and should be considered with reference to our local needs and situation. What has the profession done in this State to protect its own interests? What standards has it established as requisite for

admission to the bar? Is it not true that while the other professions have been advancing, we have been, if not retrograding, at least stationary? The medical profession long since required a three years' course of study, and for nearly three-quarters of a century has maintained a medical school in our State, where thorough and scientific instruction has been furnished to medical students. I have used the word maintained, advisedly, for it is the sentiment and co-operation of the medical profession which have made the success of that school possible, notwithstanding the aid that it has derived from the State and from Bowdoin College. To the credit of the medical profession it should be said that the advance in its educational standard is due to the profession itself, and it is one which is not likely to stop at a three years' course, for the National Society of Medicine is already demanding that the course should be further lengthened to four years. It is not, however, the length of the course of study in any profession which alone is to be considered, but the scope of the studies as well is to be taken into account. And here the first criticism arises when we consider the question of legal education in our own State. The education of students at law is too narrow and technical, and inevitably must be such under the conditions which here prevail. We have no law school in this State, and the greater part of law students must pursue their studies in law offices. The stress of their work is put upon the different branches of private law. The study of law as a science, as a body of consistent and harmonious principles, is hardly brought within their view. The study of law from text-books alone,—and that is what office study amounts to—is like the study of the Glosses of the Civilians, which buried the principles of the

Roman law under a heap of legal rubbish which it was the work of centuries to remove. Most text-books are mere aids to the busy lawyer to reach immediate results, partaking more of the nature of digests than of systematic treatises on the different branches of the law.

It has been well said, that history teaches us what the law is, and science teaches us how to apply it. If this be true, then any scheme of legal education that fails to emphasize the importance of the study of law from its historical side, showing the genesis and development of legal principles, is and must be a failure. It is as important to know what the law has been, as to know what the law is. In fact, knowledge of the growth and development of a principle is indispensable to a correct interpretation of the principle itself; and when we consider how largely the difficulty of actual practice consists in the correct application of well-settled principles to new sets of facts and conditions, we realize how necessary a knowledge of the history of the law is to sound legal education. Especially is this true of a system like the common law, whose sources are to be sought in racial character rather than in imperial rescripts or legislative enactments, and which is based upon the rules, customs and usages of a people whose institutions have not taken definite form and shape. The growth of the common law has been one of gradual progress and development, and finds its counterpart in the history of the physical universe. Written constitutions and laws are the product of an advanced civilization, and we should not expect to find among our rude Anglo Saxon ancestors anything worthy the name of a system of jurisprudence. What we have received from them is that strong love of liberty and respect for personal rights which underlie many of

the characteristic principles and doctrines of the common law. While the common law is to be found in the judgments of the courts, whose decisions are its only authoritative expression, yet the decisions of the courts assume that the law existed before the court gave formal expression to its mandates. In other words, the courts have voiced only those conceptions of justice which already exist among the people, and, although unwritten, by general consent govern them in their public and private relations. It is therefore to be expected that a system of jurisprudence will reflect the moral and political sentiments of a nation, and will be modified by the changing conditions and needs of succeeding generations.

The great political and social changes which mark the history of the English people, have left their traces on the jurisprudence of that country, and have introduced new social and political forces, which have materially modified its institutions and laws. Like the common law, the English Constitution has grown up by the slow accretion of centuries, and, though unwritten, embodies the living convictions of the nation upon the structure and functions of government. Each generation has added something to its symmetry and strength, until it has become the silent power of the nation which has overthrown the divine right of kings, and placed the liberty of the subject above the throne itself. Constitutional freedom was not won by the English people without a long and severe struggle between the people and its rulers. Every advance made was at the expense of royal prerogative and arbitrary power, and although we have no reason to believe that it has received its final form, it has resulted in the establishment of the supremacy of Parliament, and in the practical control of Parliament by the House of

Commons. The Lord Chief Justice of England, in the address previously referred to, refers to the growth of the English Constitution from its "crude and unformed state in the 13th century," through the long struggle which resulted in the final attainment of constitutional freedom. And in speaking of the common law, he says, "It is not a system fashioned by the great minds of one day or generation. Its growth, like that of our constitution, has been slow. It is instinct with the genius and peculiarities of the mixed race from which it has sprung. It is elemental in its character, and it follows slowly indeed, but surely, the needs of society, always changing and always progressing, bringing itself more and more closely into accord with the social, political and moral sentiments of the community." It is no fetish, to be studied as the same yesterday, to-day and forever, but as an expanding body of doctrines, whose meaning to-day is to be sought in its past history.

But the study of the common law and its history is not enough. It is in itself a composite system, drawing much from foreign sources, though dominated by national peculiarities and traits. The systems of jurisprudence of all civilized races have much in common. They are based upon general principles of justice, which, though they may vary in details, are controlled by common needs and interests which exist in every civilized state. Each system throws light upon the juristic theories and doctrines of the others. The importance of the study of comparative jurisprudence is thus manifest, and the system or systems which have been most highly developed, or which have most contributed to the final form which our own system has assumed, should receive more than passing attention. For this reason, the study of the

Roman or civil law, at least in a general way, should be part of a comprehensive system of legal education. We are apt to think that the common law has borrowed little from the civil law, but a slight investigation of the subject will show that this is a mistake. For more than four centuries, Britain was a Roman province. It was not merely a military outpost, but the seat of much that was best and most characteristic in Roman civilization. Here Roman enterprise found an attractive field, and wise statesmanship transformed barbarous Britain into a flourishing Roman colony. Provision was made not only for military defence against barbarous incursions, but the arts of peace were cultivated, and agriculture and commerce flourished. At York, the capital of the province, a university was established which counted among its professors some of the distinguished teachers of the civil law. Papinian, one of the greatest jurists of this, the classical period of Roman jurisprudence, was for a time Prætorian Prefect, and as such administered justice within the province. London became the seat of an extensive commerce, and trade and manufactures flourished under the fostering influence of growing municipalities. Military roads and other public works were constructed, whose architectural remains still impress the beholder, and attest the solidity and permanency of Roman civilization. The imperial institutions of Rome took root in this distant province, and their influence was long felt after the departure of her legions from British soil. When the Saxons were converted to christianity, the Roman Church became a potent factor in public affairs, and brought in its train the institutions and learning of the civil law. At that time, the church monopolized the learning of the period, and it is not strange that ecclesi-

astics soon filled many high administrative and judicial offices. Bishops exercised secular as well as ecclesiastical jurisdiction, and even when secular jurisdiction at last was withdrawn from ecclesiastical courts, churchmen still continued to fill many judicial positions, from the time of William the Conqueror to Henry VIII. The Norman Conquest only increased the influence of the church. The foreign clergy followed the conqueror "in shoals," to use the expressive language of Blackstone, and their influence was paramount during the reigns of William and his two sons. From the eleventh century the civil law was taught at Oxford, and Vacarius, brought from Italy, was one of its illustrious expounders. Gradually the jurisprudence of the country began to assert its independence of ecclesiastical rule, and to develop along lines more strictly national and less subject to the influence of the civil law. But how profound an impression this splendid body of legal doctrines, the product of a higher and older civilization, has made upon English jurisprudence and English thought, is shown by the writings of our earliest jurists, Glanville and Bracton, who, according to Prof. Maitland, have drawn chiefly from these sources for the substance of their treatises. Many juristic conceptions, many legal doctrines which have become a part of our common law system, trace their source directly or indirectly to the civil law. Among them may be cited, not only the great body of rules underlying our system of equity, probate and admiralty law, but also special features which have been engrafted upon the common law, such as the doctrine of obligations derived from contracts express or implied; the theory of corporations, embodying the idea of a juristic being distinct from the natural persons who

compose and make it; the devices in conveyancing known as fines and recoveries; the doctrine of uses, the law of estoppel, and even the germs of other legal doctrines, hitherto accepted as distinctive of the common law, are now found to have their origin in the Roman law. Among them may be mentioned the presumption of the innocence of an accused person; the doctrine that a man's house is his castle, and even trial by jury, that palladium of English liberty, is now claimed not to be of English or Anglo Saxon origin, but rather to take its rise in Norman sources, modified by the influence of the civil law. The writ of habeas corpus, that great prerogative writ which furnishes the best and only defence of personal freedom, finds its counterpart in an earlier process of the Roman law. A cursory survey of the field will lead us to agree with Sir Henry Maine, that a large part of our system of jurisprudence has been derived from the civil law through various channels, and must lead to the conclusion that no legal education is complete which does not include, at least a general survey of this great system, in its curriculum.

It is unnecessary to emphasize the importance of the study of constitutional law, not only as embracing our own written constitution, but the unwritten constitution of England. The history of our own Federal Constitution illustrates how much depends upon the science of interpretation in all written laws. Neither constitutions nor laws can enforce themselves, and their usefulness and vitality depend almost wholly upon the character of the tribunals which interpret them. That the Federal Constitution has survived a century of growth, and adjusted itself to the expanding needs of the American people, is due to the fact that from the time of Marshall to the

present day the Supreme Court of the United States which has been well called "the living voice of the Constitution," has had on its bench jurists of that masterful and comprehensive grasp, who were equal to the task of its interpretation. With the dual system of government which exists in our republic, and the growth of federal jurisdiction, which has been enlarged by the Interstate Commerce Law, the extension of the police power of the government, the Contract Labor Law, removal of causes, and other matters involving questions of state and federal jurisdiction, a new and special importance is given to the study of federal jurisprudence and procedure, which in the earlier days of jurisprudence in this country did not exist. The fact that the Supreme Court has, since 1790, in the exercise of its authority, held unconstitutional 20 Acts of Congress and 182 State Statutes, shows how important a thorough acquaintance with the limitations of state and federal authority is, not only to those who give shape to legislative enactments, but also to those who are called upon to advise upon private rights involving intangible forms of property, such as patents, copyrights, trade-marks and other creations of Federal law.

At what time the study of political science can best be undertaken, must depend somewhat upon the time given to preliminary education before the student undertakes the study of law. Some of these general studies should enter into the collegiate course, with special reference to the wants of those who are to subsequently pursue a course of legal study. But that at some time before final admission to the bar, knowledge of the principles of political science is important, I think we all must agree. And in answering the first question which I have submitted as to what should be included in a course of legal study to-day, I should

say that in addition to the branches of private and public law now recognized as indispensable, the course of legal studies should be enlarged by the addition of the history of law, comparative jurisprudence, the civil law, general constitutional law, and that increased attention should be paid to federal jurisprudence and procedure. All these studies are now pursued in our best law schools. The suggestion of such an enlargement of the course is likely at first thought to seem impracticable, and if the conditions attending the study of the law in our State are to continue unimproved, it is likely to remain for a long time an unrealized ideal; and this brings me naturally to the question, what improvement in methods of legal study are necessary? Situated as we are in this State, there has been but one way open to law students to obtain a legal education, and that is by study in some law office. While theoretically the student is supposed to receive the supervision and direction of the lawyer with whom he studies, we know how little attention in fact he receives from his superiors in a busy office. In the olden time, before stenographers and type-writers were introduced, students were expected to assist in the drawing of deeds and other instruments, and to perform clerical duties, which gave them a knowledge of many practical details of the profession, which are no longer open to them. Study in an office resolves itself into the reading of text-books, with occasional furtive glimpses of the details of cases passing through the office. How unsatisfactory such a method of studying the law is, and how little likely to develop a comprehension of the law as a science, all will admit who have given the matter even a slight consideration. The multiplication of law books and law reports is proving a burden, even to the profession, and unless the

study of law can be pursued as a science, with the aid of learned instructors who understand and can minister to the wants of students, we can hardly expect candidates for admission to the bar to possess more than a smattering of many things — the *disjecta membra* of what ought to be a body of symmetrical growth and proportions. When Chancellor Kent delivered his famous lectures before the undergraduates of Columbia College, in 1826, the number of English reports amounted to 364, and the American reports were less than 200 in number. And at that time, the learned chancellor foresaw the difficulty of dealing adequately with that mass of material so far as the students at law were concerned. His language is instructive. “To attain a competent knowledge of the common law in all its branches,” he says, “has now become a very serious undertaking, and it requires steady and lasting perseverance in consequence of the number of books which exist and encumber the path of the student. The grievance is constantly growing, for the number of periodical law reports and treatises which issue from the English and American press is constantly increasing; and if we wish to receive assistance from the commercial systems of other nations, and to become acquainted with the principles of the Roman law as received and adopted in continental Europe, we are in still greater danger of being confounded and of having our fortitude subdued by the immensity and variety of the labors of the civilians. . . . To encounter the whole mass of law publications in succession, if practicable, would be a melancholy waste or misapplication of strength and time. . . . The spirit of the present age and the cause of truth and justice require more simplicity in the system, and that the text authorities should be reduced within manageable limits.”

If that was the view of Chancellor Kent in 1826, what would he say in 1896, with the reports increased in number to thousands, and treatises as numerous as leaves in Vallambrosa? Can such a mass of material as this be mastered without scientific instruction, which shall reduce its volume within manageable limits, and present the doctrines of the law as parts of a scientific system?

That study in a law office alone, in the opinion both of the profession and of students, is no longer an adequate preparation for the practice of law, is shown by the rapid growth of American law schools, within a few years. In 1889, there were in the United States 50 law schools, with an attendance of 3906 students, of whom 993 had collegiate degrees. In 1895, the number of law schools had increased to 72, with an attendance of 8644 students; of whom 1783 possessed collegiate degrees.

These statistics show the rapid growth of law schools, and gauge somewhat the sentiment of the profession as to the important part they are taking in legal education. A better acquaintance with the course of study and methods of instruction used in these schools will go far, I think, to make the profession a unit in demanding that study at some law school shall precede examination for admission to the bar. It is highly to be desired that a student should not be obliged to go beyond the limits of his own State to find adequate means of instruction in any professional study, and it is quite probable that provision could be made in connection with one of our colleges for the establishment of a law school within the State. But whether this be so or no, it does not affect the fact that under existing conditions study in a law office alone is no longer sufficient to fit students properly

for the practice of their profession. I know that this statement is likely to provoke criticism, and to suggest the reply that a system which in the past has given us such eminent examples of legal learning and skill as may readily be supplied from the history of the bar of every State, ought not to be discarded as inadequate in this generation. But the answer to my mind is plain, that a system is not to be tested by its exceptional cases, but rather by its general results, and that under the conditions which attend the practice of the profession in these later days of the century, the ill-trained and ill-educated lawyer is out of place, and that modern methods must be used to meet modern wants. And such methods only a law school can supply, with its corps of learned and skilled instructors, aided by the resources of large libraries and adequate endowment.

I have already adverted to the difficulties which surround a student at law who undertakes to pursue his studies in a law office, and the disconnected and fragmentary knowledge of the law which he is likely to obtain from his somewhat desultory course of study, aided though it be by occasional explanations from one learned in the law. The existence of law schools presupposes that law is a science, reducible to a system of fixed rules, which form a consistent whole. These rules or principles are to be deduced from an immense number of adjudged cases, where the decisions of the court illustrate their application to particular facts. The ultimate test of whether any particular decision is good law, must be the judgment of the profession as to whether the rule applied in any particular case is consistent with the great body of principles which have been accepted and declared to be a part of our system of jurisprudence. This view of

the law justifies Blackstone's statement that the overruling of a former decision on a common law point, is not a change of law, but shows that such decision was never law." "And the reason for this is," as tersely stated by Bishop, "that a court is always bound by authority; and authority does not consist of cases, but of principles." Judge Holmes has well said, "The law is always approaching, but never quite reaching consistency." The immense number of overruled, criticised, and modified cases illustrate the difficulties which even those learned in the law find in selecting the true principle applicable to a case, and in correctly applying it when found. That underlying these numerous decisions is a consistent body of rules, forming the structure of our jurisprudence, is a postulate which must be accepted as the basis of all legal education; and the work of the educator in this, as in any other science, is to trace the principles of his science to their source, to show their relations to each other, and to illustrate their application.

How best to make one a master of any science, is one of the difficult problems of education; and in dealing with a system of jurisprudence like our own, where there is no written code to start with, and the framework of the system is overlaid with a tangled mass of adjudications, the problem is by no means easy. But the simplification of the law, which Chancellor Kent demanded in 1826, has become an absolute necessity seventy years later, and for the student, at least, the aid of competent teachers is indispensable.

No teacher, to-day, can be considered competent to teach the law, who has not by long and careful preparation made himself a master of the subject; and by *teaching the law* I do not mean the delivery of learned disquisi-

tions or lectures upon the subject, but the use of such methods as will enable the student to use his own faculties in acquiring a knowledge of the subject. Legal education has shared in the advance which modern methods have introduced into all departments of learning. We are beginning to recognize the fact that education does not consist in the accumulation of facts, however important they may be, but rather in training the individual to deal with facts and to use them as stepping-stones for further progress. The object of legal education is to develop not only lawyers, but jurists. Somewhat of the same methods as are used in teaching natural science are necessary in any scientific instruction in the law. Both inductive and deductive processes are necessary. Once the principle has been found, the method of its application is strictly a deductive process, involving the use of both major and minor premises. But in seeking for the principle, in extracting the rule of law from the multitude of decided cases, the inductive process must be used. The test of a good lawyer is not necessarily the number of decided cases with which he is familiar, but rather the facility with which he can ascertain the rule of law applicable to a case, and the accuracy with which he can apply it; and these logical processes, involving the exercise of an educated judgment, are what legal education should develop in the student.

The study of the methods employed in modern law schools will show how well they understand and have met this problem. While they differ somewhat as to the methods of instruction pursued, they are all working intelligently towards one end, and that is, to turn out thoroughly trained and well equipped members of the profession. It is not to be expected that of the seventy-

two law schools in this country, all should stand upon an equal footing, either as to the quality of their teaching force, or the advantages they offer, but it is encouraging to note that there is a movement along the whole line towards a more thorough and complete course of study. While recitations from text-books, study of cases with discussions, lectures, and moot courts form features more or less prominent in nearly all of the schools, in some, special prominence is given to a method of instruction which impresses me as having great merit, and which is not, I think, generally understood by the profession. I refer to what is called the "case method," which is largely followed at Harvard and some other law schools. It is what one of its advocates has called the "Socratic" method of teaching law. Certain selected cases from the reports are placed in the hands of students, which illustrate the origin and growth of the principles pertaining to a particular branch of the law. The cases are selected with reference to an orderly presentation of these principles, with reference to their growth and expansion. Each case is made a matter of special study and examination, and is taken up and discussed before the class, by students who are called upon to state the facts of the case, as well as the decision of the court, and who are expected to be able to assign reasons for assent or dissent from the judgment. The case thus becomes a subject of discussion before the class, and furnishes a concrete illustration of the application of a principle of law, which the students are taught to extract from that and other cases of a somewhat similar character. It also furnishes the instructor an opportunity to elucidate the subject by such historical and other matter as may connect it with other principles or rules of law, as forming a

part of a scientific body of doctrine. Much of course depends upon the judgment with which the cases are selected, and the skill and learning of the instructor in his method of dealing with them. But the great advantage of such a method of legal instruction is apparent, when we consider that it trains the student to do the very things that are required of a competent lawyer in actual practice, to state accurately the facts, to analyze and compare cases, and deduce from them the principles of law which govern them. It strengthens him in the qualities of analysis, discrimination and judgment, where most students of law are weak. This method has the further advantage that the law thus studied is not a mere abstraction, but a concrete case and easily remembered; and has the further advantage that it strengthens the student both on the scientific and practical sides of the law. Such a method of instruction, of course presupposes a high order of talent in the teacher in order to be successful, but in the hands of a competent instructor, must prove a potent agent in producing well trained students of the law. There is possibly a danger that too much may be claimed for this method, to the exclusion of others which are equally useful. It would seem as if the field of its greatest utility would be in that border land of cases, where old principles are being applied to new facts and conditions, and the expansion of the system is most noticeable. Certainly, time would not be sufficient in even a three years' course to pursue this method throughout all branches of the law. Some doctrines have been so well and so long settled, that they may be treated as starting points in the law, and given to students as a body of connected rules and principles, and it would be a waste of time to trace through the deci-

sions of the courts many of these old and well-established principles. Certain things must be accepted as elementary law, to be learned as facts. And from this starting point, the expansion and growth of the principles may well be traced in a succession of illustrative decisions. I have referred to this method, both because I have been impressed with its usefulness, and from the fact that its merits are now the subject of animated discussion among those who hold distinguished positions in our law schools.

Of the seventy-two law schools now existing, twenty require a three years' course of study, and the time, I think, is not far distant, when less than that time will be considered inadequate for any proper preparation for active professional work. It may be that the time is not yet ripe to ask from the legislature of this State to lengthen by another year the time during which students shall be required to carry on their studies before being admitted to the bar. But I believe that the best interests of the profession will be promoted by such a change. Possibly it will be said that so long a course of study will have a tendency to prevent some men from studying law. I am almost inclined to agree with Mr. Justice Brewer, who in answering this objection in his address before the American Bar Association, says: "It may be objected that if the course of study is extended and the conditions of admission to the bar increased, a great many will be deterred from entering the profession. A perfect answer is that a great many ought to be deterred. A growing multitude is crowding in who are not fit to be lawyers, who disgrace the profession after they are in it, who in a scramble after a livelihood are debasing the noblest of professions into the meanest of avocations, who, instead of being leaders and looked up to for advice and guidance,

are despised as the hangers-on of police courts, and the nibblers after crumbs which dogs ought to be ashamed to touch. . . . It would be a blessing to the profession, and to the community as well, if some Noachian deluge would engulf half of those who have a license to practice."

It is not any one feature of our law schools that has given them their prominence and standing, but the general spirit and character of their teaching, which have done much to place legal education in America on a broad and solid footing. Their extraordinary growth within the last thirty years, (51 have been organized since the Civil War,) attests the fact that they are meeting a large and generally recognized want of the profession. Their work has also received the approval of competent foreign cities. The Lord Chief Justice of England quotes with approval the remarks of Sir Frederick Pollock, who when speaking of the improvements then contemplated by the Inns of Court, says, "If worked with zeal and intelligence, the Inns of Court may possibly, within a few years, be not much inferior as a centre of legal instruction, to an average second-rate American Law School," and his Lordship adds, "He is no mean authority upon the subject." The distinguished author of the "American Commonwealth," speaking of our law schools in that work, said, "I do not know if there is anything in which America has advanced more beyond the mother country, than in the provision she makes for legal education. Twenty-five years ago, when there was nothing that could be called a scientific school of law in England, the Inns of Court having practically ceased to teach law, and the universities having allowed their two or three old chairs

to fall into neglect, and provided scarce any new ones, many American universities possessed well equipped law departments, giving highly efficient instruction ; and now when England has bestirred herself to make a more adequate provision for the professional training of both barristers and solicitors, this provision seems insignificant beside that which we find in the United States, where not to speak of minor institutions, all the leading universities possess law schools, in each of which every branch of Anglo-American law, i. e., common law and equity as modified by Federal and State constitutions and statutes, is taught by a strong staff of able men, sometimes including the most eminent lawyers in the State. . . . The instruction is found so valuable, so helpful for professional success, that young men throng the lecture halls, willingly spending two or three years in the scientific study of the law, which they might have spent in the chambers of a practising lawyer as pupils, or as junior partners. . . . The indirect results of this theoretic study in maintaining a philosophic interest in the law among the higher class of practitioners and a high sense of dignity in their profession, are doubly valuable in that absence of corporate organization on which I have already commented."

With the advantage which will accrue to the bar and the bench and to the public as well, from the broader and more scientific education which can be obtained at law schools, is it not time for the influence of the profession in our State to be thrown in favor of that system of legal education? While I think the sentiment of the profession is fast converging to the point of dissuading students from pursuing their studies in a law office, and of . advising them to have recourse to the broader culture and

more systematic training afforded by law schools, I do not underestimate the advantage of the practical training which a student receives in a law office, but believe that the work of the schools should be supplemented by at least a short apprenticeship in some law office before a student enters on the active work of his profession.

There is one other matter which should be considered in connection with improvements in legal education, and that is, the method of conducting examinations for admission to the bar. The present statute of our State, in securing the passage of which some of us were active in 1881, provides that, "All examinations shall be public and in the presence of some one of the Justices of the Supreme Judicial Court, during term time; that it shall be partly oral and partly written, and shall be conducted by an examining committee of the bar in each county, to be appointed by the Chief Justice." While this statute was a great advance over the conditions which existed previous to the time of its passage, in its operation I think it will be agreed that it fails to secure that uniformity in the examinations, which is important. It is too much to expect of a busy lawyer, that he shall be able to give that time and attention to the preparation of examination papers, which are requisite to fairly test the applicant's knowledge and fitness for the practice of his profession. The preparation of such papers requires, not only an accurate knowledge of the law, but the exceptional faculty of shaping the examination so as to test not only the candidate's knowledge of general principles, but also his ability to apply those principles to varying facts, and this task should be performed with due regard to what the student ought to know, as well as to what he should not be expected to know at this stage of his pro-

fessional life. The difficulties attending examinations by committees of the bar appointed from time to time in each county, have been well pointed out in a recent paper read before the Michigan Political Science Association, by Prof. H. B. Hutchins, who says, "Those who have not given attention to the matter, may perhaps be of the opinion that every lawyer of average ability is prepared to conduct an examination for admission to the bar, without previous thought or preparation. He can certainly go through the forms, but the result in the majority of cases is anything but satisfactory. An examination so conducted rarely serves the purpose of testing fairly the applicant's knowledge. The busy practitioner is, from force of circumstances, in a sense a specialist. As a rule, his investigations are defined by the demands of his cases. His ordinary studies are of necessity from the practical side. His legal investigations are for an immediate purpose, and that purpose rarely calls for a scientific study and review of the different departments of the law. Such being the case, his examination, if he enters upon it without thought or preparation as he ordinarily must under the present system, naturally runs at once in the field of his most recent investigations. The almost inevitable tendency is for him to measure the acquisitions of the student by his ability to respond along this particular line of inquiry. I do not mean to say that this is always the case, but that the tendency is in this direction. The result of such an examination may be an injustice to the student, or the admission of one not entitled to the privilege. . . . The result of all this is that different standards exist in different parts of the State, and at different times in the same locality. The examination may be little more than a form in one court, while in another it

may be unreasonably severe. The law teacher probably realizes more keenly than the practitioner, the disadvantages, to say nothing of the positive injustice, that result from the present plan." And the change that he recommends is one that I think could be adopted with advantage in our own State, and that is, that examinations for the whole State should be committed to a single board of examiners, whose term of office should be fixed and extend over several years, to be selected from practitioners of experience and standing, and the appointments to be so regulated that there should always be upon the board men of experience in the work. This board might be appointed as under the present statute, by the Chief Justice of the Supreme Court, and its expenses could be met by the fees paid by candidates on admission to the bar. This change is not so radical as to offend the sentiments of the bar, and would do much, if we may judge by the experience of two States in which it has been tried, to elevate the moral and intellectual standard of the profession in our State. To this end we shall all be willing to co-operate, for upon the education of the bar must rest its permanent claim to usefulness as one of the learned professions.

Mr Carleton moved that a committee of three be appointed to select a board of officers for the ensuing year, and Messrs. L. T. Carleton, F. A. Wilson and A. R. Savage were appointed by the chair as that committee.

REPORT OF COMMITTEE.

MR. CARLETON : The committee appointed to nominate officers for the ensuing year have attended to their duty and beg leave to submit the following report : Your committee, in common with every member of the Association, recognizes fully the great indebtedness which this Association is under to our present President who has served us so ably and faithfully since this Association was formed. We have been highly favored by having received his services as our President ; and it is with great reluctance that the committee have felt, under the circumstances, impelled to offer for your consideration a new name ; but taking into consideration his oft expressed wish that such should be the case, and realizing the very arduous services of preparing an address yearly, your committee thought he should be relieved from it, and have unanimously decided to report the following list of officers.

 OFFICERS — 1896-7.
President.

HERBERT M. HEATH, - - Augusta.

Vice-Presidents.

SETH M. CARTER, - - - Auburn.

H. E. HAMLIN, - - - Ellsworth.

CLARENCE HALE, - - - Portland.

Secretary and Treasurer.

LESLIE C. CORNISH, - - Augusta.

Executive Committee.

HERBERT M. HEATH, - - Augusta.
 FRED'K A. POWERS, - - Houlton.
 ALBERT M. SPEAR, - - Gardiner.
 CHAS. E. LITTLEFIELD, - - Rockland.
 F. C. PAYSON, - - Portland.

Committee on Legal Education.

J. W. MITCHELL, - - - Auburn.
 A. L. LAMBERT, - - - Houlton.
 F. V. CHASE, - - - - Portland.
 JOSEPH C. HOLMAN, - - - Farmington.
 J. B. REDMAN, - - - Ellsworth.
 W. C. PHILBROOK, - - - Waterville.
 JOSEPH E. MOORE, - - - Thomaston.
 O. D. CASTNER, - - - Waldoboro.
 GEO. A. WILSON, - - - South Paris.
 H. L. MITCHELL, - - - Bangor.
 HENRY HUDSON, - - - Guilford.
 WILLIAM T. HALL, - - - Richmond.
 AUGUSTINE SIMMONS, - - - North Anson.
 F. W. BROWN, - - - Belfast.
 C. B. DONWORTH, - - - Machias.
 FRANK M. HIGGINS, - - - Limerick.

Committee on Membership.

GEORGE C. WING,	-	-	-	Auburn.
JAMES ARCHIBALD,	-	-	-	Houlton.
GEORGE M. SEIDERS,	-	-	-	Portland.
F. E. TIMBERLAKE,	-	-	-	Phillips.
JOHN A. PETERS, JR.,	-	-	-	Ellsworth.
M. S. HOLWAY,	-	-	-	Augusta.
E. K. GOULD,	-	-	-	Rockland.
G. B. SAWYER,	-	-	-	Wiscasset.
O. H. HERSEY,	-	-	-	Buckfield.
F. J. WHITING,	-	-	-	Oldtown.
W. E. PARSONS,	-	-	-	Foxcroft.
G. E. HUGHES,	-	-	-	Bath.
L. L. WALTON,	-	-	-	Skowhegan.
G. E. JOHNSON,	-	-	-	Belfast.
S. D. LEAVITT,	-	-	-	Eastport.
W. P. PERKINS,	-	-	-	Cornish.

Committee on Law Reform

CHAS. F. LIBBY,	-	-	-	Portland.
JOHN A. MORRILL,	-	-	-	Auburn.
F. H. APPLETON,	-	-	-	Bangor.
LEROY T. CARLETON,	-	-	-	Winthrop.
WILLIAM H. FOGLER,	-	-	-	Rockland.

Committee on Legal History.

JOSIAH H. DRUMMOND,	-	-	Portland.
JOSEPH WILLIAMSON,	-	-	Belfast.

J. F. SPRAGUE,	-	-	-	Monson.
F. M. DREW,	-	-	-	Lewiston.
S. CLIFFORD BELCHER,	-	-	-	Farmington.

The above officers were all unanimously elected by ballot.

On motion of Mr. Geo. M. Seiders, a vote of thanks was tendered to President Libby for his very able and instructive address which has so delighted the members of the Association at this meeting.

On motion of Mr. E. W. French, the suggestions made by President Libby in his address, as to qualification of candidates for admission to the Bar, were referred to the committee on Legal Education to present some form of bill to the next Legislature.

The following new members were duly elected on presentation of names :

Milton S. Clifford,	-	-	-	Bangor.
O. P. Cunningham,	-	-	-	Bucksport.
Clarence Scott,	-	-	-	Oldtown.
Chas. H. Drummey,	-	-	-	Ellsworth.
J. S. Harriman,	-	-	-	Belfast.
Matthew Laughlin,	-	-	-	Bangor.
J. D. Rice,	-	-	-	Bangor.
F. E. Ludden,	-	-	-	Auburn.
W. E. Ludden,	-	-	-	Auburn.
D. J. McGillicuddy,	-	-	-	Lewiston.

F. A. Morey,	-	-	-	-	Lewiston.
Joel Bean, Jr.,	-	-	-	-	Lewiston.
H. R. Smith,	-	-	-	-	Lewiston.
W. B. Skelton,	-	-	-	-	Lewiston.
J. H. Maxwell,	-	-	-	-	Livermore Falls
D. S. Nason,	-	-	-	-	Bangor.
Herbert C. Royal,	-	-	-	-	Auburn.
H. E. Coolidge,	-	-	-	-	Lisbon Falls.
R. W. Crockett,	-	-	-	-	Lewiston.
J. A. Pulsifer,	-	-	-	-	Auburn.
Ellery Bowden,	-	-	-	-	Winterport.
Norman Wardwell,	-	-	-	-	Belfast.
H. C. Whittemore,	-	-	-	-	Livermore Falls

Voted to adjourn to meet in the evening at 8 o'clock at the Bangor House, at which hour the annual dinner was served, President Libby presiding.

Hon. Moorfield Story of Boston, Massachusetts, the President of the American Bar Association, was present as a guest and made an address upon International Arbitration. After dinner speeches were also made by Chief Justice PETERS and Justices EMERY, HASKELL, WHITEHOUSE and WISWELL, of the Supreme Judicial Court.

Voted to adjourn.

Adjourned.

A true record.

Attest:

LESLIE C. CORNISH,

Secretary.

AMENDED BY-LAWS
OF THE
MAINE STATE BAR
ASSOCIATION.

ARTICLE 1. MEMBERSHIP.

Members of the Bar in this State, shall be eligible to membership and shall be elected at any legal meeting, upon the nomination of the committee on membership.

ARTICLE 2. OFFICERS.

The officers of this association shall be a president, three vice-presidents, an executive committee, a committee on law reform, a committee on legal education and admission to the bar, a committee on legal history, a secretary and a treasurer. All these officers shall be elected by ballot at the annual meeting and shall hold office until others are elected and qualified in their stead.

Other standing committees than those above specified may be provided by the association from time to time as may be found expedient.

ARTICLE 3. PRESIDENT.

The president, or in his absence, one of the vice presidents, shall preside at all meetings of the association. The president shall be, *ex officio*, a member of the executive committee.

ARTICLE 4. EXECUTIVE COMMITTEE.

The executive committee shall consist of four members beside the president. They shall have charge of the affairs of the association, make arrangements for meetings, order the disbursement of the funds of the association, audit its accounts, and have such other powers as may be conferred on them by vote at any meeting of the association.

ARTICLE 5. COMMITTEE ON LAW REFORM.

The committee on Law Reform shall consist of five members. It shall be the duty of this committee to consider and report to the association such amendments of the law as should in their opinion be adopted; also to scrutinize proposed changes of the law, and, when necessary, report upon the same; also to observe the practical working of the judicial system of the State and recommend by written or printed reports, from time to time, any changes therein which experience or observation may suggest.

ARTICLE 6. COMMITTEE ON LEGAL EDUCATION.

The committee on legal education shall consist of one member from each county represented in the association. Its duty shall be to prepare and report a system of legal education and for examination and admission to the practice of the profession in this State, and report from time to time such changes in the system of examination and admission as may be deemed advisable.

ARTICLE 7. COMMITTEE ON MEMBERSHIP.

The committee on membership shall consist of one member from each county represented in the association. All applications for membership shall be made to the member from the county where the applicant resides, if any, otherwise to any member of the committee. Applicants shall be nominated for membership by the concurrence of three members of this committee.

ARTICLE 8. COMMITTEE ON LEGAL HISTORY.

The committee on Legal History shall consist of so many members as the association shall, from year to year, appoint.

Its duty shall be to provide for the preservation in the archives of the Society, of the record of such facts relating to the history of the profession as may be of interest, and of suitable written or printed memorials of the lives and characters of distinguished members of the profession.

ARTICLE 9. SECRETARY.

The secretary shall keep the records of the association, have charge of its archives, and discharge such other duties as the association may require.

ARTICLE 10. TREASURER.

The treasurer shall collect and receive the dues of the association, keep and by order of the executive committee disburse its funds, and discharge such other duties as may pertain to his office. Any person may fill the office of both secretary and treasurer if elected thereto. A vacancy occurring in either of these offices may be filled by appointment of the executive committee

ARTICLE 11. MEETINGS.

The annual meeting of the association shall be held on the second Wednesday of February, at such place in the city of Augusta, in the years in which the legislature shall be in session and in the alternate years at such city in the State and at such hour as the executive committee may determine. Special meetings may be called by the president, on application in writing of five members, ten days notice of which by mail shall be given to each member by the secretary, stating the object of the meeting. Fifteen members shall constitute a quorum at any meeting.

ARTICLE 12. ANNUAL DUES.

The annual dues shall be one dollar for each member, payable to the treasurer on or before the first day of June in each year.

Failure to pay the annual dues for two years in succession shall terminate the membership of the person in default.

ARTICLE 13. EXPULSION OF MEMBERS.

Any member may be expelled for misconduct, professional or otherwise, by a two-thirds vote of the members present at any meeting after proper notice of the charges; and all the interest of any member in the property of the association upon the termination of his membership, by expulsion, resignation or otherwise, shall thereupon vest absolutely in the association.

ARTICLE 14. AMENDMENTS.

These by-laws may be amended only by a two-thirds vote of the members present at an annual meeting of the association.

MEMBERS
OF THE
MAINE STATE BAR ASSOCIATION.
1895-'96.

Androscoggin County.

W. W. Bolster,	-	-	-	Auburn.
D. J. Callahan,	-	-	-	Lewiston.
Seth M. Carter,	-	-	-	Auburn.
Frank W. Dana,	-	-	-	Lewiston.
Franklin M. Drew,	-	-	-	Lewiston.
Willard F. Estey,	-	-	-	Lewiston.
Nathan W. Harris,	-	-	-	Auburn.
P. H. Kelleher,	-	-	-	Auburn.
Jesse M. Libby,	-	-	-	Mechanic Falls.
George E. McCann,	-	-	-	Auburn.
J. W. Mitchell,	-	-	-	Auburn.
Asa P. Moore,	-	-	-	Lisbon.
John A. Morrill,	-	-	-	Auburn.
Frank L. Noble,	-	-	-	Lewiston.
Henry W. Oakes,	-	-	-	Auburn.
Albert R. Savage,	-	-	-	Auburn.
Thos. C. Spillane,	-	-	-	Lewiston.

A. E. Verrill,	-	-	-	Auburn.
Wallace H. White,	-	-	-	Lewiston.
George C. Wing,	-	-	-	Auburn.

Aroostook County.

James Archibald,	-	-	-	Houlton.
Charles F. Daggett,	-	-	-	Presque Isle.
F. G. Dunn,	-	-	-	Ashland.
J. S. Estes,	-	-	-	Caribou.
Ira G. Hersey,	-	-	-	Houlton.
Daniel Lewis,	-	-	-	Sherman Mills.
Ansel L. Lumbert,	-	-	-	Houlton.
Frederick A. Powers,	-	-	-	Houlton.
Llewellyn Powers,	-	-	-	Houlton.
R. W. Shaw,	-	-	-	Houlton.
George H. Smith,	-	-	-	Presque Isle.

Cumberland County.

Albert W. Bradbury,	-	-	-	Portland.
Wilford G. Chapman,	-	-	-	Portland.
Frederick V. Chase,	-	-	-	Portland.
Albro E. Chase,	-	-	-	Portland.
Wm. Henry Clifford,	-	-	-	Portland.
C. E. Clifford,	-	-	-	West Falmouth.
Morrill N. Drew,	-	-	-	Portland.
Josiah H. Drummond,	-	-	-	Portland.
Josiah H. Drummond, Jr.,	-	-	-	Portland.
Isaac W. Dyer,	-	-	-	Portland.
John H. Fogg,	-	-	-	Portland.

Eben W. Freeman,	-	-	-	Portland.
Clarence Hale,	-	-	-	Portland.
Hiram Knowlton,	-	-	-	Portland.
W. J. Knowlton,	-	-	-	Portland.
P. J. Larrabee,	-	-	-	Portland.
Seth L. Larrabee,	-	-	-	Portland.
C. Thornton Libby,	-	-	-	Portland.
Chas. F. Libby,	-	-	-	Portland.
Ira S. Locke,	-	-	-	Portland.
Jos. A. Locke,	-	-	-	Portland.
Wm. H. Looney,	-	-	-	Portland.
John J. Lynch,	-	-	-	Portland.
Chas. P. Mattocks,	-	-	-	Portland.
Augustus F. Moulton,	-	-	-	Portland.
Franklin C. Payson,	-	-	-	Portland.
Henry C. Peabody,	-	-	-	Portland.
Barrett Potter,	-	-	-	Brunswick.
Wm. L. Putnam,	-	-	-	Portland.
George D. Rand,	-	-	-	Portland.
Edw. M. Rand,	-	-	-	Portland.
Edwin C. Reynolds,	-	-	-	Portland.
George M. Seiders,	-	-	-	Portland.
Almon A. Strout,	-	-	-	Portland.
H. W. Swasey,	-	-	-	Portland.
Joseph W. Symonds,	-	-	-	Portland.
Benj. Thompson,	-	-	-	Portland.
Edw. F. Thompson,	-	-	-	Portland.
Levi Turner, Jr.,	-	-	-	Portland.
H. M. Verrill,	-	-	-	Portland.
Harry R. Virgin,	-	-	-	Portland.
Augustus H. Walker,	-	-	-	Portland.
Lindley M. Webb,	-	-	-	Bridgton.
Richard Webb,	-	-	-	Portland.

Robert T. Whitehouse,	-	-	Portland.
Virgil C. Wilson,	-	-	Portland.
Albert S. Woodman,	-	-	Portland.
Edward Woodman,	-	-	Portland.

Franklin County.

Arthur F. Belcher,	-	-	Farmington.
S. Clifford Belcher,	-	-	Farmington.
Joseph C. Holman,	-	-	Farmington.
Elmer E. Richards,	-	-	Farmington.
George L. Rogers,	-	-	Farmington.
Josiah H. Thompson,	-	-	Farmington.
F. E. Timberlake,	-	-	Phillips.

Hancock County.

Henry Boynton,	-	-	Sullivan.
Wm. O. Buck,	-	-	Bucksport.
Edward S. Clark,	-	-	Bar Harbor.
L. B. Deasy,	-	-	Bar Harbor.
O. F. Fellows,	-	-	Bucksport.
E. Webster French,	-	-	S. W. Harbor.
Geo. R. Fuller,	-	-	S. W. Harbor.
L. F. Giles,	-	-	Ellsworth.
Hannibal E. Hamlin,	-	-	Ellsworth.
John T. Higgins,	-	-	Bar Harbor.
A. W. King,	-	-	Ellsworth.
John A. Peters, 2nd,	-	-	Ellsworth.
C. A. Spofford,	-	-	Deer Isle.
E. P. Spofford,	-	-	Deer Isle.

B. E. Tracy,	-	-	-	Winter Harbor.
Geo. M. Warren,	-	-	-	Castine.

Kennebec County.

Charles L. Andrews,	-	-	-	Augusta.
Richard W. Black,	-	-	-	Augusta.
Orville D. Baker,	-	-	-	Augusta.
Geo. K. Boutelle,	-	-	-	Waterville.
James W. Bradbury,	-	-	-	Augusta.
Simon S. Brown,	-	-	-	Waterville.
Leroy T. Carleton,	-	-	-	Winthrop.
Leonard D. Carver,	-	-	-	Augusta.
Winfield S. Choate,	-	-	-	Augusta.
Leslie C. Cornish,	-	-	-	Augusta.
W. H. Fisher,	-	-	-	Augusta.
Eugene S. Fogg,	-	-	-	Augusta.
Wm. T. Haines,	-	-	-	Waterville.
Herbert M. Heath,	-	-	-	Augusta.
Geo. W. Heselton,	-	-	-	Gardiner.
Melvin S. Holway,	-	-	-	Augusta.
Treby Johnson,	-	-	-	Augusta.
Samuel W. Lane,	-	-	-	Augusta.
Thos. Leigh, Jr.,	-	-	-	Augusta.
Joseph H. Manley,	-	-	-	Augusta.
Geo. S. Paine,	-	-	-	Winslow.
Arthur L. Perry,	-	-	-	Gardiner.
Warren C. Phibbrook,	-	-	-	Waterville.
				Waterville.
Albert M. Spear,	-	-	-	Gardiner.
Frank L. Staples,	-	-	-	Augusta.
Frank E. Southard,	-	-	-	Augusta.

Robert T. Whitehouse,	-	-	Portland.
Virgil C. Wilson,	-	-	Portland.
Albert S. Woodman,	-	-	Portland.
Edward Woodman,	-	-	Portland.

Franklin County.

Arthur F. Belcher,	-	-	Farmington.
S. Clifford Belcher,	-	-	Farmington.
Joseph C. Holman,	-	-	Farmington.
Elmer E. Richards,	-	-	Farmington.
George L. Rogers,	-	-	Farmington.
Josiah H. Thompson,	-	-	Farmington.
F. E. Timberlake,	-	-	Phillips.

Hancock County.

Henry Boynton,	-	-	Sullivan.
Wm. O. Buck,	-	-	Bucksport.
Edward S. Clark,	-	-	Bar Harbor.
L. B. Deasy,	-	-	Bar Harbor.
O. F. Fellows,	-	-	Bucksport.
E. Webster French,	-	-	S. W. Harbor.
Geo. R. Fuller,	-	-	S. W. Harbor.
L. F. Giles,	-	-	Ellsworth.
Hannibal E. Hamlin,	-	-	Ellsworth.
John T. Higgins,	-	-	Bar Harbor.
A. W. King,	-	-	Ellsworth.
John A. Peters, 2nd,	-	-	Ellsworth.
C. A. Spofford,	-	-	Deer Isle.
E. P. Spofford,	-	-	Deer Isle.

B. E. Tracy,	-	-	-	Winter Harbor.
Geo. M. Warren,	-	-	-	Castine.

Kennebec County.

Charles L. Andrews,	-	-	-	Augusta.
Richard W. Black,	-	-	-	Augusta.
Orville D. Baker,	-	-	-	Augusta.
Geo. K. Boutelle,	-	-	-	Waterville.
James W. Bradbury,	-	-	-	Augusta.
Simon S. Brown,	-	-	-	Waterville.
Leroy T. Carleton,	-	-	-	Winthrop.
Leonard D. Carver,	-	-	-	Augusta.
Winfield S. Choate,	-	-	-	Augusta.
Leslie C. Cornish,	-	-	-	Augusta.
W. H. Fisher,	-	-	-	Augusta.
Eugene S. Fogg,	-	-	-	Augusta.
Wm. T. Haines,	-	-	-	Waterville.
Herbert M. Heath,	-	-	-	Augusta.
Geo. W. Heselton,	-	-	-	Gardiner.
Melvin S. Holway,	-	-	-	Augusta.
Treby Johnson,	-	-	-	Augusta.
Samuel W. Lane,	-	-	-	Augusta.
Thos. Leigh, Jr.,	-	-	-	Augusta.
Joseph H. Manley,	-	-	-	Augusta.
Geo. S. Paine,	-	-	-	Winslow.
Arthur L. Perry,	-	-	-	Gardiner.
Warren C. Phibbrook,	-	-	-	Waterville.
				Waterville.
Albert M. Spear,	-	-	-	Gardiner.
Frank L. Staples,	-	-	-	Augusta.
Frank E. Southard,	-	-	-	Augusta.

Geo. T. Sewall,	-	-	-	Oldtown.
Bertram L. Smith,	-	-	-	Patten.
Reuel Smith,	-	-	-	Bangor.
C. P. Stetson.	-	-	-	Bangor.
J. D. Warren,	-	-	-	Bangor.
Peregrine White,	-	-	-	Bangor.
F. J. Whiting,	-	-	-	Oldtown.
Franklin A. Wilson,	-	-	-	Bangor.
Chas. F. Woodard,	-	-	-	Bangor.
				Bangor.

Piscataquis County.

Henry Hudson,	-	-	-	Guilford.
M. W. McIntosh,	-	-	-	Brownville.
Willis E. Parsons,	-	-	-	Foxcroft.
A. M. Robinson,	-	-	-	Dover.
John F. Sprague,	-	-	-	Monson.

Sagadahoc County.

Wm. T. Hall,	-	-	-	Richmond.
Geo. E. Hughes,	-	-	-	Bath.
Chas. W. Larrabee,	-	-	-	Bath.
Chas. D. Newell,	-	-	-	Richmond.
John Scott,	-	-	-	Bath.
Franklin P. Sprague,	-	-	-	Bath.
Joseph M. Trott,	-	-	-	Bath.

Somerset County.

Turner Buswell,	-	-	-	Solon.
Geo. M. Chapman,	-	-	-	Fairfield.

Edward P. Coffin,	-	-	-	Skowhegan.
Abel Davis,	-	-	-	Pittsfield.
Forrest Goodwin,	-	-	-	Skowhegan.
Geo. W. Gower,	-	-	-	Skowhegan.
C. A. Harrington,	-	-	-	Norridgewock.
John W. Manson,	-	-	-	Pittsfield.
Augustine Simmons,	-	-	-	No. Anson.
C. O. Small,	-	-	-	Madison.
L. L. Walton,	-	-	-	Skowhegan.

Waldo County.

Fred W. Brown,	-	-	-	Belfast.
R. F. Dunton,	-	-	-	Belfast.
Geo. E. Johnson,	-	-	-	Belfast.
Wm. P. Thompson,	-	-	-	Belfast.
Joseph Williamson,	-	-	-	Belfast.

Washington County.

Chas. B. Donworth,	-	-	-	Machias.
Lemuel G. Downes,*	-	-	-	Calais.
H. H. Gray,	-	-	-	Millbridge.
Samuel D. Leavitt,	-	-	-	Eastport.
I. G. McLarren,	-	-	-	Eastport.
Benjamin B. Murray,	-	-	-	Pembroke.
Chas. Peabody,	-	-	-	Millbridge.
B. Rogers,	-	-	-	Pembroke.
Edgar Whidden,	-	-	-	Calais.

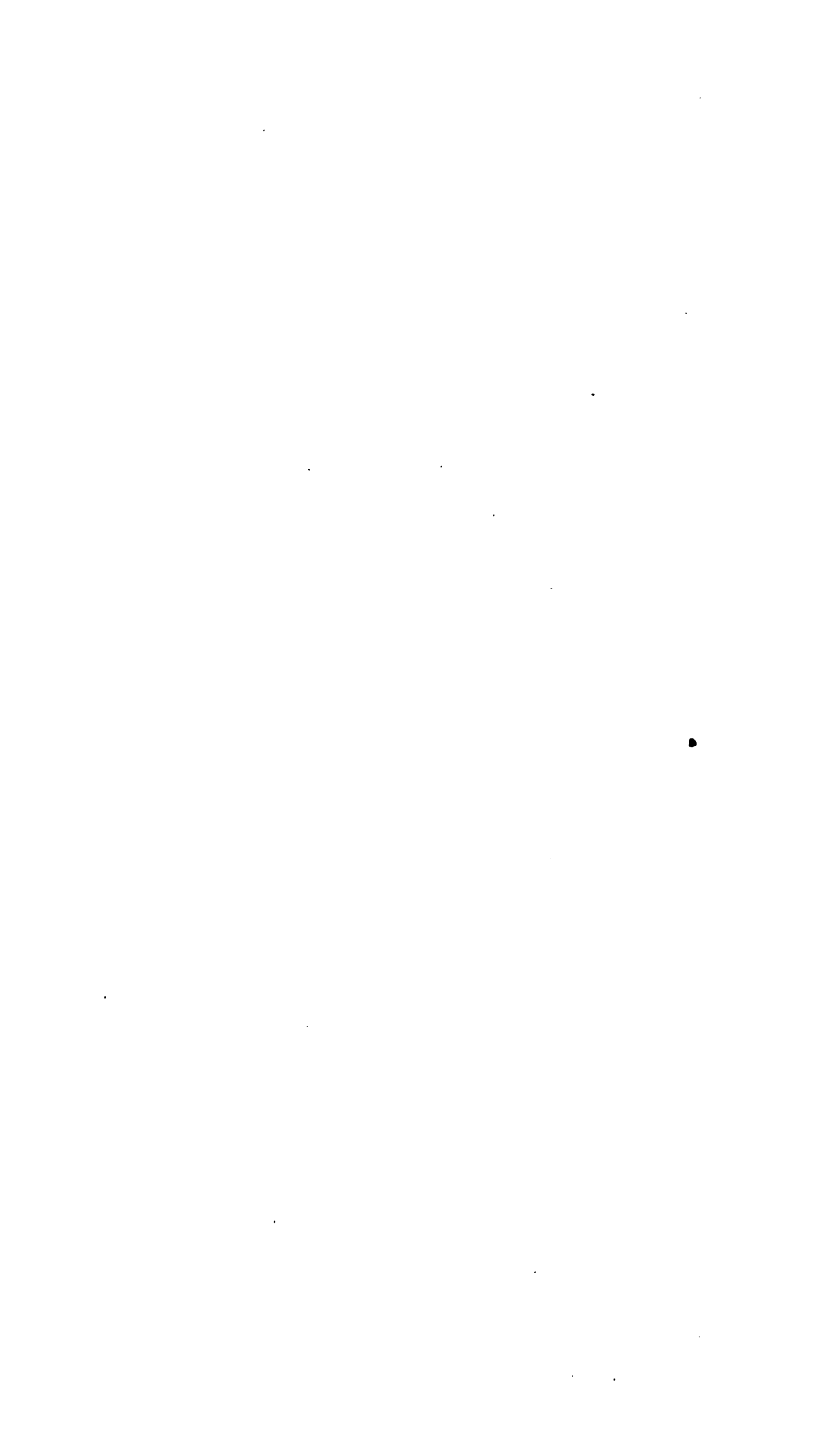
* Deceased.

York County.

E. C. Ambrose,	-	-	-	W. Buxton.
Horace H. Burbank,	-	-	-	Saco.
S. M. Came,	-	-	-	Alfred.
John B. Donovan,	-	-	-	Alfred.
Geo. A. Emery,	-	-	-	Saco.
Hampden Fairfield,	-	-	-	Saco.
F. W. Guptill,	-	-	-	Saco.
Geo. W. Hanson,	-	-	-	Sanford.
Frank M. Higgins,	-	-	-	Limerick.
W. P. Perkins,	-	-	-	Cornish.
Chas. H. Prescott,	-	-	-	Biddeford.
Moses A. Safford,	-	-	-	Kittery.
Chas. E. Weld,	-	-	-	W. Buxton.











PROCEEDINGS
OF THE
SIXTH ANNUAL MEETING
OF THE
MAINE STATE BAR
ASSOCIATION

HELD AT
AUGUSTA, MAINE, FEBRUARY 10, 1897.

AUGUSTA :
PRESS OF CHARLES E. NASH.
1897.

PROCEEDINGS
OF THE
SIXTH ANNUAL MEETING
OF THE
MAINE STATE BAR
ASSOCIATION

HELD AT
AUGUSTA, MAINE, FEBRUARY 10, 1897.

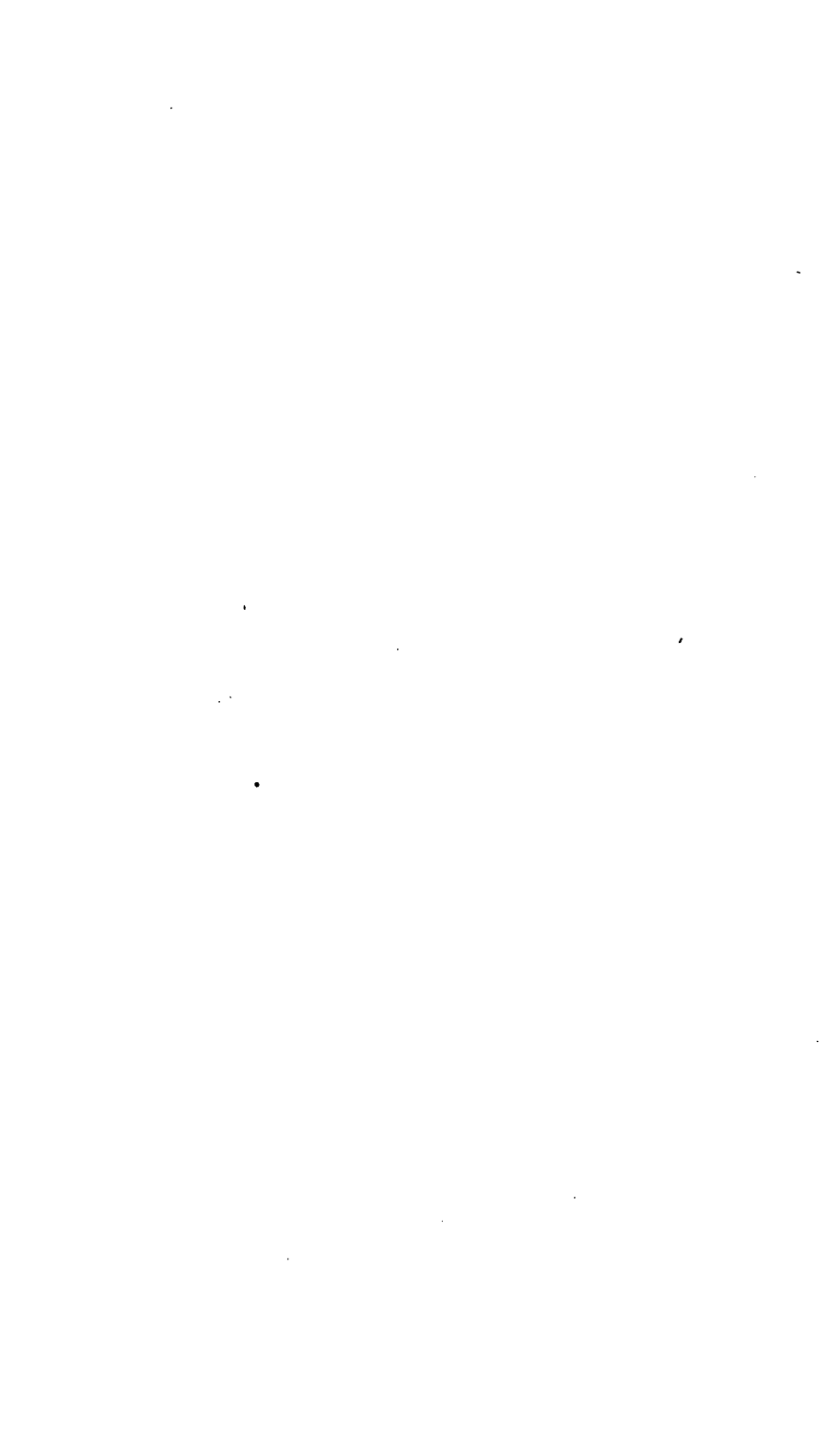
AUGUSTA:
PRESS OF CHARLES E. NASH.
1897.

York County.

E. C. Ambrose,	-	-	-	W. Buxton.
Horace H. Burbank,	-	-	-	Saco.
S. M. Came,	-	-	-	Alfred.
John B. Donovan,	-	-	-	Alfred.
Geo. A. Emery,	-	-	-	Saco.
Hampden Fairfield,	-	-	-	Saco.
F. W. Guptill,	-	-	-	Saco.
Geo. W. Hanson,	-	-	-	Sanford.
Frank M. Higgins,	-	-	-	Limerick.
W. P. Perkins,	-	-	-	Cornish.
Chas. H. Prescott,	-	-	-	Biddeford.
Moses A. Safford,	-	-	-	Kittery.
Chas. E. Weld,	-	-	-	W. Buxton.





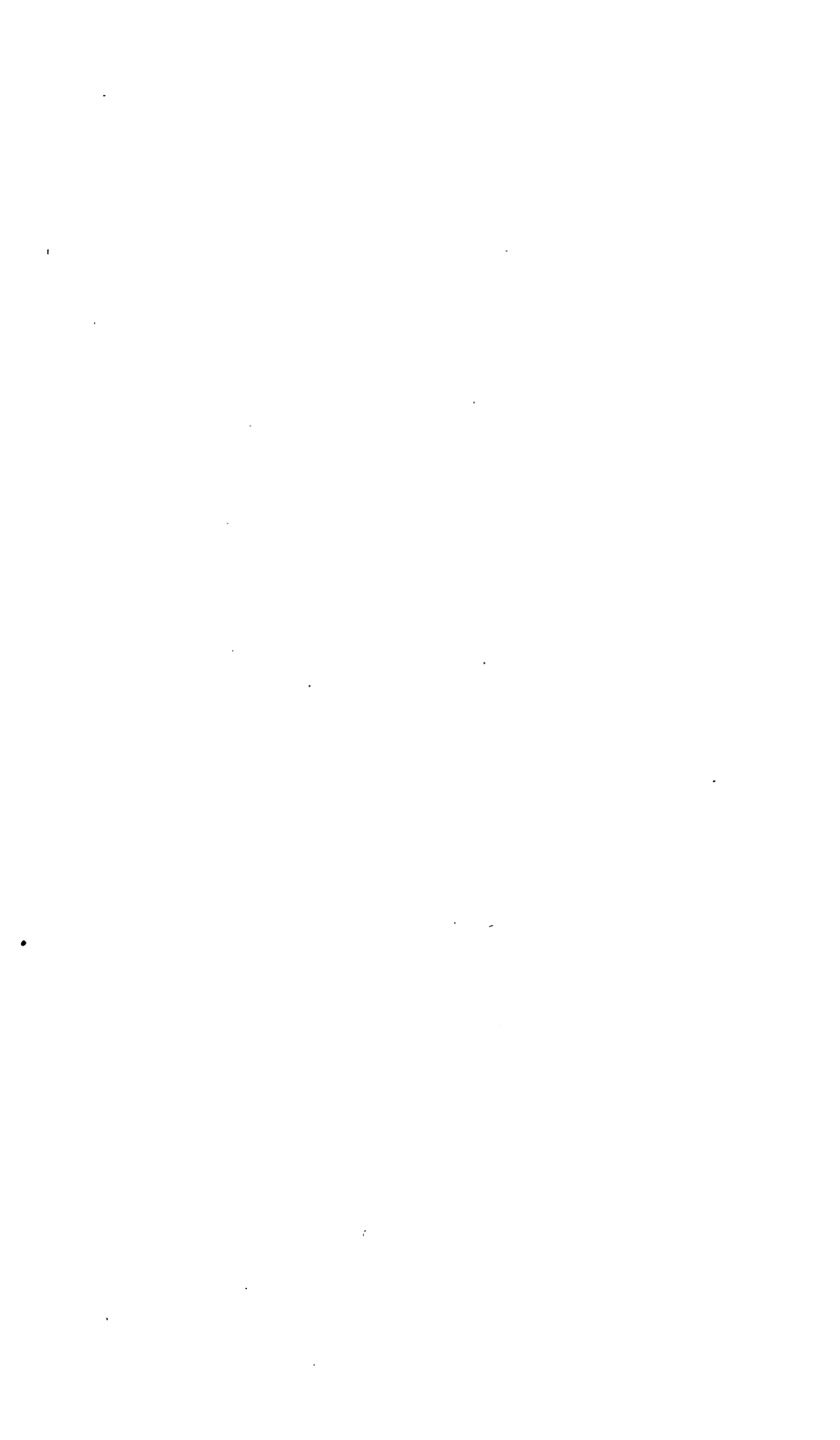


PROCEEDINGS
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1897.





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AUGUSTA:
PRESS OF CHARLES E. NASH.
1897.

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Office of SECRETARY of

MAINE STATE BAR ASSOCIATION.

AUGUSTA, FEBRUARY 3, 1897.

DEAR SIR:

The sixth annual meeting of the **MAINE STATE BAR ASSOCIATION** will be held at the Senate Chamber, Augusta, Maine, on Wednesday, February 10, 1897, at 4.00 o'clock, P. M.

The order of business will be as follows :

1. REPORT OF SECRETARY AND TREASURER.

2. REPORTS OF COMMITTEES.

**3. ADDRESS BY THE PRESIDENT,
HON. HERBERT M. HEATH.**

4. ELECTION OF OFFICERS.

The meeting will conclude with a dinner at 7.00 o'clock, P. M.

Please notify the Secretary at once by enclosed postal card, whether you will be present at the dinner. This is necessary in order to complete arrangements. A full attendance is desired.

Per order of the Executive Committee.

LESLIE C. CORNISH,

Secretary.

Maine State Bar Association

SIXTH ANNUAL MEETING.

SENATE CHAMBER.

AUGUSTA, MAINE, February 10, 1897.

In accordance with the call for the annual meeting, the MAINE STATE BAR ASSOCIATION met in the Senate Chamber, at the Capitol, on Wednesday, February 10th, 1897, at 4.00 P. M., and was called to order by the president, HON. H. M. HEATH. In the temporary absence of the secretary, GEO. W. HESELTON was elected secretary pro tem.

The records of the last meeting being in print, their reading at this time was dispensed with.

The following report of the treasurer was read and accepted :

TREASURER'S REPORT.

AUGUSTA, MAINE, February 10, 1897.

LESLIE C. CORNISH, Treasurer, in account with the MAINE
STATE BAR ASSOCIATION for the year 1896-7.

To cash on hand from preceding year,	\$15.92
“ “ received from dues, 1895-6,	27 00
“ “ received from dues, 1896-7,	237.00
“ “ received from dues, 1897-8,	5.00
“ “ received from dues, 1898-9,	1.00
“ “ received from dues, 1899-1900,	1.00
“ “ received from 37 dinner tickets, at \$3,	111.00
Total,	<u>\$397.92</u>

Cr.

By cash paid expenses annual dinner,	\$144.75
“ “ stamps and wrappers,	42.70
“ “ Reuel Smith, Reporter,	7.00
“ “ salary Secretary and Treasurer,	100.00
“ “ C. E. Nash, printing,	60.00
“ “ telegrams,	1.00
“ “ expenses, Mr. Story,	15.25

\$370.70

Cash on deposit, 27.22

\$397 92

The following report of the Committee on Law Reform was presented and read by the president and was accepted.

REPORT OF COMMITTEE ON LAW REFORM.

TO THE MAINE STATE BAR ASSOCIATION :

The Committee on Law Reform, who were requested to consider and report whether it was practicable to formulate, by statutory enactment or rule of court, some plan by which the cost of printing reports of testimony in cases carried to the Law Court may be reduced, and more particularly by abridging introductory matter, and by authorizing the narrative form of reporting in place of full questions and answers, beg leave to report, that they have considered the matter, and are unanimously of the opinion that it is not expedient to authorize by statute or rule of court any abridgement of the testimony in a case, but that the matter should be left for arrangement between counsel.

If counsel cannot agree to abridge the testimony, the rights of parties should not be imperiled by the exercise of any discretionary power on the part of the stenographer as to the manner in which the testimony of witnesses should be reported. While some experienced stenographers might safely determine where the narrative form could be employed without detriment to either party, it would not, in the opinion of the committee, be proper to recognize by rule or statute such discretion on the part of the reporter, whose duty it is to report *verbatim et literatim* the testimony of every witness as given in the case.

The importance of reporting both question and answer in close cases, in order to enable the reviewing court to

judge of the weight and value of testimony, must be apparent to all lawyers of experience in the trial of causes. The form of the question often enables the court to determine how much of the testimony is suggested by the question, and how much is the voluntary disclosure of the witness. The expense of printing the testimony in any particular case would not justify a departure from a safe rule which requires that the whole case shall be printed, unless otherwise agreed by counsel.

Respectfully submitted,

CHARLES F. LIBBY, JOHN A. MORRILL, F. H. APPLETON, WM. H. FOGLER, LEROY T. CARLETON,	}	Committee.
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November 28, 1896.

On motion of L. T. Carleton, a committee of five was appointed to nominate a list of officers for the ensuing year; and Messrs. L. T. Carleton of Winthrop, E. C. Ryder of Bangor, O. F. Fellows of Bucksport, Willis E. Parsons of Foxcroft, and S. J. Walton of Skowhegan, were appointed that committee.

Mr. J. W. Mitchell of Auburn, chairman of the Committee on Legal Education, made a verbal report as to the doings of that committee with reference to the matter of examination for admission to the bar, and on

motion of the same gentleman a special committee of five was appointed to consider the matter and prepare and present a bill to the next Legislature.

The following special committee was appointed :

J. W. MITCHELL,	Auburn.
C. F. LIBBY,	Portland.
O. D. BAKER,	Augusta.
L. C. STEARNS,	Caribou.
W. H. FOGLER,	Rockland.

The President then read the annual address.

Mr. Carleton, from the Special Committee to nominate a list of officers for the ensuing year, presented the following names ; all of whom were unanimously elected by ballot.

OFFICERS — 1897-8.

President.

FRANKLIN A. WILSON, - - - Bangor.

Vice-Presidents.

A. R. SAVAGE,	- - - -	Auburn.
J. W. SYMONDS,	- - - -	Portland.
F. A. POWERS,	- - - -	Houlton.

Secretary and Treasurer.

LESLIE C. CORNISH, - - - Augusta.

Executive Committee.

SYLVESTER J. WALTON,	-	-	-	Skowhegan.
MANNIBAL E. HAMLIN,	-	-	-	Ellsworth.
W. L. E. PARSONS,	-	-	-	Foxcroft.
HIRAM BLISS, JR.,	-	-	-	Washington.
E. DUDLEY FREEMAN,	-	-	-	Portland.

Committee on Membership.

GEORGE C. WING,	-	-	-	Auburn.
JAMES ARCHIBALD,	-	-	-	Houlton.
GEORGE M. SEIDERS,	-	-	-	Portland.
F. E. TIMBERLAKE,	-	-	-	Phillips.
JOHN A. PETERS, JR.,	-	-	-	Ellsworth.
M. S. HOLWAY,	-	-	-	Augusta.
E. K. GOULD,	-	-	-	Rockland.
G. B. SAWYER,	-	-	-	Wiscasset.
O. H. HERSEY,	-	-	-	Buckfield.
F. J. WHITING,	-	-	-	Oldtown.
W. E. PARSONS,	-	-	-	Foxcroft.
G. E. HUGHES,	-	-	-	Bath.
L. L. WALTON,	-	-	-	Skowhegan.
G. E. JOHNSON,	-	-	-	Belfast.
S. D. LEAVITT,	-	-	-	Eastport.
W. P. PERKINS,	-	-	-	Cornish.

Committee on Law Reform.

CHARLES F. LIBBY,	-	-	-	Portland.
JOHN A. MORRILL,	-	-	-	Auburn.
F. H. APPLETON,	-	-	-	Bangor.
LEROY T. CARLETON,	-	-	-	Winthrop.
WILLIAM H. FOGLER,	-	-	-	Rockland.

Committee on Legal History.

JOSIAH H. DRUMMOND,	-	-	-	Portland.
JOSEPH WILLIAMSON,	-	-	-	Belfast.
J. F. SPRAGUE,	-	-	-	Monson.
F. M. DREW,	-	-	-	Lewiston.
S. CLIFFORD BELCHER,	-	-	-	Farmington.

Committee on Legal Education.

J. W. MITCHELL,	-	-	-	Auburn.
A. L. LAMBERT,	-	-	-	Houlton.
F. V. CHASE,	-	-	-	Portland.
JOSEPH C. HOLMAN,	-	-	-	Farmington.
J. B. REDMAN,	-	-	-	Ellsworth.
W. C. PHILBROOK,	-	-	-	Waterville.
JOSEPH E. MOORE,	-	-	-	Thomaston.
O. D. CASTNER,	-	-	-	Waldoboro.
GEO. A. WILSON,	-	-	-	South Paris.
H. L. MITCHELL,	-	-	-	Bangor.
HENRY HUDSON,	-	-	-	Guilford.
WILLIAM T. HALL,	-	-	-	Richmond.
AUGUSTINE SIMMONS,	-	-	-	North Anson.
F. W. BROWN,	-	-	-	Belfast.
C. B. DONWORTH,	-	-	-	Machias.
FRANK M. HIGGINS,	-	-	-	Limerick.

The following new members were duly elected on presentation of names :

Charles W. Jones.	-	-	-	Augusta.
F. S. Walls,	-	-	-	Vinal Haven.
W. R. Pattangall,	-	-	-	Machias.

C. M. Blanchard,	-	-	-	-	Wilton.
Charles J. Hutchins,	-	-	-	-	Bangor.
G. T. Stevens,	-	-	-	-	Augusta.
M. W. Abbott,	-	-	-	-	Bucksport.
T. H. Smith,	-	-	-	-	Bucksport.
F. E. Guernsey,	-	-	-	-	Dover.
S. J. Walton,	-	-	-	-	Skowhegan.
Wm. P. Allen,	-	-	-	-	Caribou.
Lewis A. Burleigh,	-	-	-	-	Augusta.
Jos. Williamson, Jr.,	-	-	-	-	Augusta.
Harry Mansur,	-	-	-	-	Lewiston.
J. Leslie Read,	-	-	-	-	Lewiston.
L. C. Stearns,	-	-	-	-	Caribou.
Daniel E. Hurley,	-	-	-	-	Ellsworth.
Harold M. Sewall,	-	-	-	-	Bath.
C. E. Stevens,	-	-	-	-	Winthrop.

On motion of H. E. Hamlin,

VOTED: That the thanks of the Association be extended to President Heath for his able address.

The Association then adjourned to meet at 8 P. M., at Hotel North, at which hour the annual dinner was served, President Heath presiding.

Voted to adjourn.

Adjourned.

A true record. Attest:

LESLIE C. CORNISH,

Secretary.

ANNUAL ADDRESS.

BY HONORABLE HERBERT M. HEATH, *President of the
Maine State Bar Association.*

Gentlemen of the Bar:

This is my first opportunity to express my grateful appreciation of your courtesy in making me your President. It is an honor that any member of our noble profession well may covet. The election during my absence was peculiarly grateful, for I am conscious that you did it for the sole purpose of giving me an indorsement in a business matter of great personal importance at a critical period when your certificate would have and did have great weight. More grateful because my standing at the bar was not such as to warrant my hoping for such an honor for many years to come. I accepted the compliment as an expression of your good will — the act of your hearts and not of your heads.

It is now a fitting time to annually change this high office. Expressing, therefore, my heartfelt gratitude for your action of a year ago, I ask you to now institute the custom of restricting the tenure of the office to a single year.

It has been your good fortune to have had since your organization a President of such distinguished scholarship that his annual addresses have been classics, rich in legal learning, models in literary style. It is a source of regret that I find myself unable to follow in his footsteps. I would but halt and stumble in the attempt.

Upon us rest grave responsibilities. Ours the duty to stand between the conservatism of the past and the radicalism of the present. The one chills the blood of progress, the other brings the fever of disease to the body politic. We are the natural leaders in legislation. Trained by the learning of the schools, disciplined by the wrestling of mind with mind, we can to a certain extent foresee the needs of the hour and the effect of changing long established rules of action. With power comes responsibility, that great duty of using power to better the welfare of client and of State.

We are, and should be, in legislation the conservative leaders of a conservative people. I am not of that school that believes in drifting from the moorings of the common law. It has been the growth of the learning of centuries. Kings have lost their heads, dynasties fallen, and revolutions deluged with blood the lands of English speaking lovers of liberty, that the humblest of Adam's kin might inherit the safety, the security and the hopes of the common law. It is a science of principles, not born of legislative marriage between ignorance and agrarianism,—but, rather, the legitimate offspring of an advancing civilization and the conservatism of judicial construction. The “natural, inherent and unalienable rights” of “enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness” guaranteed by the Constitution of Maine, are more secure in the States that have built upon the foundation of the common law than in the restless communities where the structures of society erected on the sands of reform totter before the winds of popular discontent.

We live in an age of marvelous mental activity. Science leaps from peak to peak, beckoning onward to discovery after discovery, until we cease to be astonished at her wonders. Intelligence broadens. Novelty treads upon the heel of novelty. Socialism and communism are but the natural product of such conditions. That the iconoclast should be abroad, his hand against government, his sword drawn to attack existing systems of law, is but an outward manifestation of the spirit of unrest that marks the closing century. That the common law should be attacked in the name of reform, the broad mantle that covers so many sins, is to be expected. An ancient, long established principle of law is an educator. Law that is ever changing hangs but lightly on the shoulders of a people. Law that is poorly enforced breeds contempt for law. The statute that seeks to codify all rules and fit all conditions to a Procrustean bed of words but betrays the arrogant and ignorant conceit of its framers. It is beyond human ken to compress into compact sentences rules fit to meet the kaleidoscopic changes of the ever advancing needs of human wit. The most unsatisfactory, the most uncertain, the most law-provoking rules, are to be found in public statutes. Of the statute of frauds it has been well said that while every line may be worth a subsidy, every line has cost a subsidy. The rules of the pauper law, absolute, arbitrary, resting upon no principles, assisted by no analogies, after seventy-six years of judicial construction are still a terror to the taxpayers of towns tangled in the meshes of their uncertainties. Unaided by fixed principles applicable to their construction, even judicial opinions have so clashed that the statute is indeed a *pauper* law.

To attempt by statute to amalgamate the systems of the common law and of equity in a code ambitious to develop law as an entire science is to invite disaster upon the breakers of uncertainty. The one is the complement of the other. The two a unit. Around the growth and development of each are centuries of history. The very contest of equity for existence gave it life and bone and blood.

The common law by no means excludes the riches of the civil law. Narrow would be the analysis that finds the origin of the common law as an entirety in the laws, the customs and the precedents of early England. The learning of that day borrowed with a lavish hand from the ripe learning of ancient Rome. Perhaps oftener a larcency than a borrowing. Bracton and Coke did not deign to transfer to the body of English law many a broad principle of the civil law, and, not always with due acknowledgment of the paternity of the principle. We are no more exclusively Anglo-Saxon in our law than in our language. The Norman softened the roughness of our mother tongue with the grace and beauty of the French, itself the provincial descendant of the stately eloquence that lives to-day in the classics of imperial Rome. Not only that; he brought with him the learning of the civil law, and out of the fusion of the two came what with characteristic pride we are pleased to term the common law of England.

To look only to the history of the Anglo-Saxon for the origin of the common law is to be blind to our cosmopolitan ancestry. It has been the pride and glory of the common law, that, unaided by act of parliament or of legislature, it has had an inward power of growth and

development sufficiently expansive to meet a widening civilization. Statutes are iron bonds; principles are muscles that expand for the work demanded.

To the civil law we owe much of the vitality of the rules of principal and agent, of sales, of partnership, of contracts, of carriers, of bailments, of fraud, and of insurance. Without it, the science of equity would be lifeless. Upon it rest the cardinal principles of maritime law, the law of wills, and the law of nations.

The common law that dared to reach out and seize the best of the civil law ought not to fear to-day to learn even at the feet of Rome. The study and mastery of the civil law should be insisted upon that the student may come to the bar imbued with a broad and catholic spirit. The practitioner, round-shouldered with the burdens of a client who sleeps while the attorney walks the floor, should come to the argument of his cause, in his right hand the principles of the common law, in his left the analogies of the civil. The Court, always conservatively progressive, will be ever anxious to receive the truth and to declare the law wisely and well. The great masters, like Story, have never hesitated to be taught the truth from every source. By the united effort of Bench and Bar, the hand that threatens the stability of law and the perpetuity of our institutions can be stayed. An undue conservatism invites destruction. The letter killeth, the spirit giveth life. As a profession we are the devotees of truth. With our present system, truth is secure behind walls that for centuries have safely guarded "life, liberty, and pursuit of happiness." Let us be slow to open the gates to the reformer, who would forget the learning of the fathers in the conceits of the nineteenth century.

The shell, however, is not always the substance. The outward form not always the inward spirit. While codification and sudden change would endanger the science of principles that we call the common law, it can hardly be denied that our common law methods of procedure are but poorly adapted to the rapid business methods of the day. They are painfully slow, expensive, and burdensome. In 1820, the people ordained in their constitution that "right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay."

That justice is administered "freely and without sale" has been the pride of our State from the adoption of the Constitution to the present hour. The breath of scandal has never been raised to even charge corruption against a single member of the dignified Court that has honored the judicial annals of our State. The bar, the people, and the bench itself have demanded and still demand that the solemn responsibilities of that high office shall be assumed by men "without fear and without reproach." Nay, more, they demand that judges shall be honest and upright, not because of a solemn oath, but from a conscience that loves truth for truth's own sake.

It is not true that justice is administered "promptly and without delay." Its delays are a grievous burden. Methods of procedure instituted in the days of the stage coach and weekly mails are poorly adapted to the needs of business men, having at their command the telephone, the telegraph, the railway, and the mechanical appliances that tend to annihilate time and space. The type-writing machine revolutionized the mechanical practice of law, but our methods of procedure still cling to the days of the slow moving pen.

When the merchant, after making his will, went to Boston twice a year to purchase his goods, it was fitting that a Court to compel him to make payment for his goods should be open but twice a year. That was promptness in 1820. May I suggest that we lag behind other states in our system of *nisi prius* courts. It had its origin in the early history of the mother country, when travelling from circuit to circuit was a burden. In the newer states and under the new procedure act of England the Courts of law are always open under rules somewhat analogous to our present procedure in equity. In equity we had the good fortune to build and institute in 1881 a comprehensive system of procedure at a time when the business methods and necessities of the day unconsciously influenced the drafting of the bill. We have been equally fortunate in having upon the bench judges who have so studied the practice of equity that they have supplemented the statute with equity rules calculated to furnish equitable relief "promptly and without delay." Equity travels by rail, while law still uses the stage coach.

I can see no reason why writs should not be made returnable on the first Tuesday of every month in like manner as bills in equity. A reasonable time should be allowed, say fourteen days, within which the defendant should be allowed to file specifications of defence with his affidavit that he intends to defend in good faith. Upon the filing of such affidavit, the action to be entered at the *nisi prius* term then in session or then next to convene. If no affidavit is so filed, default should be entered and execution entered after assessment of damages by the Clerk. This method is in such almost universal use that I wonder that the business men of Maine have so patiently endured the present system. In

my own county we have terms in March and October. To foreclose a mortgage in March I must wait seven months. To obtain a judgment upon an uncontested note or account, I must wait a like period. To the poor, dependent upon their earnings, the present system is a denial of justice. In the hands of the rich the law's delays are weapons that help inflame the spirit of the hour that demands a levelling of all distinctions between rich and poor. I earnestly hope that you will in some practical way call the attention of the Legislature to this proposition. To secure summary judgments is to widen the usefulness of the profession, to add to your incomes, and to enable you to the better serve your clients.

For like reasons I believe the time is ripe to simplify and cheapen the methods of serving writs. With the present ease of copying by machines, no practical reason exists why all writs should not be served by copy, and in no other way. You have given this privilege to the corporation always rich enough to employ counsel. To the ignorant poor you still give the plain summons, meaningless except as its stilted language recalls to the lawyer who drafts it the ancient glory of special pleading when its sole office was to summon the unlucky defendant to listen to the reading of the declaration of the plaintiff and to begin the subtleties of the art of special pleading, now happily alive only in memory. It can hardly claim that apology for existence, for the summons is but a repetition of the command to appear in the writ, and the right to insert the declaration in the writ, has robbed the summons even of its traditionary significance. All defendants, whether corporations or their employees, should receive early and full notice of the cause of action asserted by the plaintiff.

In cases where service is but formal, I can see no reason why it should be necessary to serve preliminary process by an officer. Such is not the practice in England or in the code States. Service can be made and proven by the affidavit of counsel as well as by a sheriff or a town constable. The laws of other States abound in precedents to regulate such service, with economy and simplicity. The day has long since passed when defendants are to be terrorized by the august presence of a deputy sheriff. The change is neither new nor radical.

I hesitate somewhat to recommend sweeping changes in the forms of action. But, seriously, I ask you, does any good reason exist why the common law should lag so far behind equity in the simplicity of its initial procedure? Whatever the cause of complaint in equity, we are burdened with no technical rules that require us to subdivide justice into various forms. The grievance is stated to the Court in the same plain, clear English that we use in the affairs of life. Addressed only to the Court, its requirements are the simplest. Called to deal with the untrained minds of the jury, we state the grievance in an action at law in language so tortuous and un-English that neither jury nor counsel fully understand its meaning. In preparation for the bar, and in later years, we spend valuable time over the important question of deciding whether a cause of action shall be denominated *assumpsit*, *trover*, *debt* or *case*. Illustrate with *trover*. It is hardly becoming the dignity of a profession devoted to establishing the truth, to suffer the existence of a declaration that befogs a jury with the idle fiction that the plaintiff lost his goods and the defendant found them. The words remain a monument to the ingenuity of the ancient judge that devised them. He sleeps in the grave

of his fathers ; our present duty is to the living, not to the unknown dead.

When the black letter knowledge of special pleading went down, with it went the last excuse for retaining these various forms of action. Far better that we spend valuable time in studying principles of law than in mastering the technique of a system of pleading that long since ceased to have any practical utility.

With these refinements as to the form of action necessarily would go the meaningless jargon of the various general issues. *Non assumpsit*, *nil debet*, *non est factum*, *nul tiel record*, bad Latin and worse French, they lack even the graces of classic learning. I reverence the tongues of ancient Rome and cultured Greece. I believe the lawyer can there find rich wells of philosophy and of law, full to the overflowing with practical utility, but I equally believe that the practice of law should be conducted in our grand, old mother tongue.

In law, as well as in equity, the plaintiff should state his complaint in language so clear and plain, that the defendant when sued, and the jury at the trial, should know precisely and intelligently the contention of the parties. The plaintiff, in law as well as now in equity, should be entitled to an answer specifically asserting the defence. While we are supposed to monopolize the knowledge of law, the plea of "*non assumpsit*" or "*nil debet*" does not always convey even to our enlightened minds the full significance of the defence.

To codify procedure, to make the practice of law so plain, that no suitor need suffer because of technicalities is neither new nor a revolution. The great success of the English Practice Act is sufficient answer to such criticism.

When I came to the bar twenty years ago, the art of equity pleading was so complex that we looked with awe upon a practitioner who had drawn a bill in equity. The act of 1881 made the practice so simple that to draft a bill in equity is far easier than to devise a good declaration in an action on the case. The larger practice is at law.

We have been approaching this change with halting steps. Out of patience with the refined distinctions between trespass and trespass on the case, the statute has declared a declaration in either form to be good. The artificial reasoning of special pleading led to the present imperfect statutes regulating pleading, throwing the whole matter into chaos. The Law and Equity Act of 1891, allowing equitable defenses to be pleaded in actions at law, and permitting actions at law to be transformed to complaints in equity, and vice versa, has gone so far and introduced such confusion in our practice, that the time is ripe to level all distinctions between the various forms of actions at law, and to provide that all causes, whether at law or in equity, shall be begun by complaint with a prayer for such legal or equitable relief as the nature of the case may require.

I am conscious that I probably stand with a minority in these positions. But discussion to-day may, if I am right, begin a movement that will ultimately remove these impediments to the prompt administration of justice. I have come to these conclusions through the slow teachings of years. Among the many mistaken votes that I gave years ago when I was here trying to make law at an age when I should have been learning law, I recall with regret a vote directly opposing the grounds I now take, hence you will understand that I have been slow to

be convinced. I would to-day guard the common law and its administration from demagogism and agrarianism in every form. I believe that statutes should be changed with great caution and extreme conservatism. Property and personal rights are too sacred to be the subject of poorly considered experiments. But the methods of practice can be safely changed along lines that have been adopted and successfully used in England and in so many of our sister states.



AMENDED BY-LAWS

OF THE

MAINE STATE BAR
ASSOCIATION.

ARTICLE 1. MEMBERSHIP.

Members of the Bar in this State, shall be eligible to membership and shall be elected at any legal meeting, upon the nomination of the committee on membership.

ARTICLE 2. OFFICERS.

The officers of this association shall be a president, three vice-presidents, an executive committee, a committee on law reform, a committee on legal education and admission to the bar, a committee on legal history, a secretary and a treasurer. All these officers shall be elected by ballot at the annual meeting and shall hold office until others are elected and qualified in their stead.

Other standing committees than those above specified may be provided by the association from time to time as may be found expedient.

ARTICLE 3. PRESIDENT.

The president, or in his absence, one of the vice presidents, shall preside at all meetings of the association. The president shall be, *ex officio*, a member of the executive committee.

ARTICLE 4. EXECUTIVE COMMITTEE.

The executive committee shall consist of four members beside the president. They shall have charge of the affairs of the association, make arrangements for meetings, order the disbursement of the funds of the association, audit its accounts, and have such other powers as may be conferred on them by vote at any meeting of the association.

ARTICLE 5. COMMITTEE ON LAW REFORM.

The committee on Law Reform shall consist of five members. It shall be the duty of this committee to consider and report to the association such amendments of the law as should in their opinion be adopted; also to scrutinize proposed changes of the law, and, when necessary, report upon the same; also to observe the practical working of the judicial system of the State and recommend by written or printed reports, from time to time, any changes therein which experience or observation may suggest.

ARTICLE 6. COMMITTEE ON LEGAL EDUCATION.

The committee on legal education shall consist of one member from each county represented in the association. Its duty shall be to prepare and report a system of legal education and for examination and admission to the practice of the profession in this State, and report from time to time such changes in the system of examination and admission as may be deemed advisable.

ARTICLE 7. COMMITTEE ON MEMBERSHIP.

The committee on membership shall consist of one member from each county represented in the association. All applications for membership shall be made to the member from the county where the applicant resides, if any, otherwise to any member of the committee. Applicants shall be nominated for membership by the concurrence of three members of this committee.

ARTICLE 8. COMMITTEE ON LEGAL HISTORY.

The committee on Legal History shall consist of so many members as the association shall, from year to year, appoint.

Its duty shall be to provide for the preservation in the archives of the Society, of the record of such facts relating to the history of the profession as may be of interest, and of suitable written or printed memorials of the lives and characters of distinguished members of the profession.

ARTICLE 9. SECRETARY.

The secretary shall keep the records of the association, have charge of its archives, and discharge such other duties as the association may require.

ARTICLE 10. TREASURER.

The treasurer shall collect and receive the dues of the association, keep and by order of the executive committee disburse its funds, and discharge such other duties as may pertain to his office. Any person may fill the office of both secretary and treasurer if elected thereto. A vacancy occurring in either of these offices may be filled by appointment of the executive committee.

ARTICLE 11. MEETINGS.

The annual meeting of the association shall be held on the second Wednesday of February, at such place in the city of Augusta, in the years in which the legislature shall be in session and in the alternate years at such city in the State and at such hour as the executive committee may determine. Special meetings may be called by the president, on application in writing of five members, ten days notice of which by mail shall be given to each member by the secretary, stating the object of the meeting. Fifteen members shall constitute a quorum at any meeting.

ARTICLE 12. ANNUAL DUES.

The annual dues shall be one dollar for each member, payable to the treasurer on or before the first day of June in each year.

Failure to pay the annual dues for two years in succession shall terminate the membership of the person in default.

ARTICLE 13. EXPULSION OF MEMBERS.

Any member may be expelled for misconduct, professional or otherwise, by a two-thirds vote of the members present at any meeting after proper notice of the charges; and all the interest of any member in the property of the association upon the termination of his membership, by expulsion, resignation or otherwise, shall thereupon vest absolutely in the association.

ARTICLE 14. AMENDMENTS.

These by-laws may be amended only by a two-thirds vote of the members present at an annual meeting of the association.

MEMBERS

OF THE

MAINE STATE BAR ASSOCIATION.

1896-'97.

Androscoggin County.

Tascus Atwood,	-	-	-	Auburn.
W. W. Bolster,	-	-	-	Auburn.
D. J. Callahan,	-	-	-	Lewiston.
Seth M. Carter,	-	-	-	Auburn.
Frank W. Dana,	-	-	-	Lewiston.
Franklin M. Drew,	-	-	-	Lewiston.
Willard F. Estey,	-	-	-	Lewiston.
Nathan W. Harris,	-	-	-	Auburn.
P. H. Kelleher,	-	-	-	Auburn.
Jesse M. Libby,	-	-	-	Mechanic Falls.
M. L. Lizotte,	-	-	-	Lewiston.
F. E. Ludden,	-	-	-	Auburn.
Wm. E. Ludden,	-	-	-	Auburn.
George E. McCann,	-	-	-	Auburn.
J. W. Mitchell,	-	-	-	Auburn.
Asa P. Moore,	-	-	-	Lisbon.
John A. Morrill,	-	-	-	Auburn.
Wm. H. Newell,	-	-	-	Lewiston.

Frank L. Noble,*	-	-	-	Lewiston.
Henry W. Oakes,	-	-	-	Auburn,
Fred N. Saunders,	-	-	-	Lewiston.
Albert R. Savage,	-	-	-	Auburn.
Thos. C. Spillane,	-	-	-	Lewiston.
A. E. Verrill,	-	-	-	Auburn.
Wallace H. White,	-	-	-	Lewiston.
George C Wing,	-	-	-	Auburn.

Aroostook County.

James Archibald,	-	-	-	Houlton.
Walter Cary,	-	-	-	Houlton.
Charles F. Daggett,	-	-	-	Presque Isle.
F. G. Dunn,	-	-	-	Ashland
J. S. Estes,	-	-	-	Caribou.
Ira G. Hersey,	-	-	-	Houlton.
E. A. Holmes,	-	-	-	Caribou.
Daniel Lewis,	-	-	-	Sherman Mills.
Ansel L. Lumbert,	-	-	-	Houlton.
Frederick A. Powers,	-	-	-	Houlton.
Llewellyn Powers,	-	-	-	Houlton.
H. W. Safford,	-	-	-	Blaine.
R. W. Shaw,	-	-	-	Houlton.
George H. Smith,	-	-	-	Presque Isle.

Cumberland County.

Arthur F. Belcher,	-	-	-	Portland.
Albert W. Bradbury,	-	-	-	Portland.
Wilford G. Chapman,	-	-	-	Portland.
Frederick V. Chase,	-	-	-	Portland.
Albro E. Chase,	-	-	-	Portland.

*Deceased.

Wm. Henry Clifford,	-	-	Portland.
C. E. Clifford,	-	-	West Falmouth.
Charles S. Cook,	-	-	Portland.
Liberty B. Dennett,	-	-	Portland.
Morrill N. Drew,	-	-	Portland.
Josiah H. Drummond,	-	-	Portland.
Josiah H. Drummond, Jr.,	-	-	Portland.
Isaac W. Dyer,	-	-	Portland.
John H. Fogg,	-	-	Portland.
M. P. Frank,	-	-	Portland.
Eben W. Freeman,	-	-	Portland.
Clarence Hale,	-	-	Portland.
Leroy S. Hight,	-	-	Portland.
Hiram Knowlton,	-	-	Portland.
W. J. Knowlton,	-	-	Portland.
P. J. Larrabee,	-	-	Portland.
Seth L. Larrabee,	-	-	Portland.
C. Thornton Libby,	-	-	Portland.
Charles F. Libby,	-	-	Portland.
George Libby,	-	-	Portland.
Ira S. Locke,	-	-	Portland.
Jos. A. Locke,	-	-	Portland.
Wm. H. Looney,	-	-	Portland.
John J. Lynch,	-	-	Portland.
Chas. P. Mattocks,	-	-	Portland.
John F. A. Merrill,	-	-	Portland.
Carroll W. Morrill,	-	-	Portland.
Wm. H. Motley,	-	-	Woodfords.
Augustus F. Moulton,	-	-	Portland.
George F. Noyes,	-	-	Portland.
Irvin W. Parker,	-	-	Portland.
Franklin C. Payson,	-	-	Portland.
Henry C. Peabody,	-	-	Portland.

Barrett Potter,	-	-	-	Brunswick.
Wm. L. Putnam,	-	-	-	Portland.
George D. Rand,	-	-	-	Portland.
Edward M. Rand,	-	-	-	Portland.
Edward C. Reynolds,	-	-	-	Portland.
F. W. Robinson,	-	-	-	Portland.
George M. Seiders,	-	-	-	Portland.
David W. Snow,	-	-	-	Portland.
Almon A. Strout,	-	-	-	Portland.
H. W. Swasey,	-	-	-	Portland.
Joseph W. Symonds,	-	-	-	Portland.
Benj. Thompson,	-	-	-	Portland.
Edward F. Tompson,	-	-	-	Portland.
Levi Turner, Jr.,	-	-	-	Portland.
W. Edwin Ulmer,	-	-	-	Portland.
H. M. Verrill,	-	-	-	Portland.
Harry R. Virgin,	-	-	-	Portland.
Augustus H. Walker,	-	-	-	Bridgton.
F. S. Waterhouse,	-	-	-	Portland.
John A. Waterman,	-	-	-	Gorham.
Lindley M. Webb,	-	-	-	Portland.
Richard Webb,	-	-	-	Portland.
John Wells,	-	-	-	Portland.
Robert T. Whitehouse,	-	-	-	Portland.
Virgil C. Wilson,	-	-	-	Portland.
Albert S. Woodman,	-	-	-	Portland.
Edward Woodman,	-	-	-	Portland.

Franklin County.

S. Clifford Belcher,	-	-	-	Farmington.
Joseph C. Holman,	-	-	-	Farmington.

Elmer E. Richards,	-	-	-	Farmington.
George L. Rogers,	-	-	-	Farmington.
Josiah H. Thompson,	-	-	-	Farmington.
F. E. Timberlake,	-	-	-	Phillips.

Hancock County.

Henry Boynton,	-	-	-	Sullivan.
Wm. O. Buck,	-	-	-	Bucksport.
Edward S. Clark,	-	-	-	Bar Harbor.
O. P. Cunningham,	-	-	-	Bucksport.
L. B. Deasy,	-	-	-	Bar Harbor.
Chas. H. Drummey,	-	-	-	Ellsworth.
O. F. Fellows,	-	-	-	Bucksport.
E. Webster French,	-	-	-	S. W. Harbor.
Geo. R. Fuller,	-	-	-	S. W. Harbor.
L. F. Giles,	-	-	-	Ellsworth.
Hannibal E. Hamlin,	-	-	-	Ellsworth.
John T. Higgins,	-	-	-	Bar Harbor.
A. W. King,	-	-	-	Ellsworth.
John A. Peters, 2nd,	-	-	-	Ellsworth.
C. A. Spofford,	-	-	-	Deer Isle.
E. P. Spofford,	-	-	-	Deer Isle.
B. E. Tracy,	-	-	-	Winter Harbor.
Geo. M. Warren,	-	-	-	Castine.
Chas. H. Wood,	-	-	-	Bar Harbor.

Kennebec County.

Charles L. Andrews,	-	-	-	Augusta.
Richard W. Black,*	-	-	-	Augusta.
Orville D. Baker,	-	-	-	Augusta.

*Deceased.

Geo. K. Boutelle,	-	-	-	Waterville.
James W. Bradbury,	-	-	-	Augusta.
Simon S. Brown,	-	-	-	Waterville.
Lewis A. Burleigh,	-	-	-	Augusta.
Leroy T. Carleton,	-	-	-	Winthrop.
Leonard D. Carver,	-	-	-	Augusta.
Winfield S. Choate,	-	-	-	Augusta.
Leslie C. Cornish,	-	-	-	Augusta.
Harvey D. Eaton,	-	-	-	Waterville.
W. H. Fisher.	-	-	-	Augusta.
Eugene S. Fogg,	-	-	-	Augusta.
A. M. Goddard,	-	-	-	Augusta.
Wm. T. Haines,	-	-	-	Waterville.
Herbert M. Heath,	-	-	-	Augusta.
Geo. W. Heselton,	-	-	-	Gardiner.
Melvin S. Holway,	-	-	-	Augusta.
Treby Johnson,	-	-	-	Augusta.
Samuel W. Lane,	-	-	-	Augusta.
Thos. Leigh, Jr.,	-	-	-	Augusta.
Joseph H. Manley,	-	-	-	Augusta.
John McCarty,	-	-	-	Clinton.
Geo. S. Paine,	-	-	-	Winslow.
Arthur L. Perry,	-	-	-	Gardiner.
Warren C. Philbrook,	-	-	-	Waterville.
F. K. Shaw,	-	-	-	Waterville.
Albert M. Spear,	-	-	-	Gardiner.
Frank L. Staples,	-	-	-	Augusta.
Asbury C. Stilphen,	-	-	-	Gardiner.
Lendall Titcomb,	-	-	-	Augusta.
Edmund F. Webb,	-	-	-	Waterville.
Henry S. Webster,	-	-	-	Gardiner.
Joseph Williamson, Jr.	-	-	-	Augusta.

Knox County.

Alex. A. Beaton,	-	-	-	Rockland.
Hiram Bliss, Jr ,	-	-	-	Washington.
Wm. H. Fogler,	-	-	-	Rockland.
Edw. K. Gould,	-	-	-	Rockland.
G. M. Hicks,	-	-	-	Rockland.
Arthur S. Littlefield,	-	-	-	Rockland.
Chas. E. Littlefield,	-	-	-	Rockland.
J. H. Montgomery,	-	-	-	Camden.
Joseph E. Moore,	-	-	-	Thomaston.
David N. Mortland,	-	-	-	Rockland.
True P. Pierce,	-	-	-	Rockland.
Reuel Robinson,	-	-	-	Camden.

Lincoln County.

Ozro D. Castner,	-	-	-	Waldoboro.
Everett Farrington,	-	-	-	Waldoboro.
Chas. H. Fisher,	-	-	-	Boothbay Harbor
Emerson Hilton,	-	-	-	Wiscasset.
Wm. H. Hilton,	-	-	-	Damariscotta.
G. B. Kenniston,	-	-	-	Boothbay Harbor.
Geo. B. Sawyer,	-	-	-	Wiscasset.

Oxford County.

Seth W. Fife,	-	-	-	Fryeburg.
R. A. Frye,	-	-	-	Bethel.
A. E. Herrick,	-	-	-	Bethel.
Alfred S. Kimball,	-	-	-	Norway.

Chas. A. Mendall,	-	-	-	Canton.
Geo. A. Wilson,	-	-	-	South Paris.

Penobscot County.

B. C. Additon,	-	-	-	Bangor.
Frederick H. Appleton,	-	-	-	Bangor.
Chas. A. Bailey,	-	-	-	Bangor.
Chas. H. Bartlett,	-	-	-	Bangor.
Victor Brett,	-	-	-	Bangor.
James H. Burgess,	-	-	-	Bangor.
Hugh R. Chaplin,	-	-	-	Bangor.
W. C. Clark,	-	-	-	Lincoln.
Josiah Crosby,	-	-	-	Dexter.
J. Willis Crosby,	-	-	-	Dexter.
Charles Davis,	-	-	-	Bangor.
Daniel F. Davis,*	-	-	-	Bangor.
P. H. Gillin,	-	-	-	Bangor.
Joseph F. Gould,	-	-	-	Old Town.
Charles Hamlin,	-	-	-	Bangor.
Henry P. Haynes,	-	-	-	East Corinth.
G. W. Johnson,	-	-	-	Montague.
M. Laughlin,	-	-	-	Bangor.
Forrest J. Martin,	-	-	-	Bangor.
John R. Mason,	-	-	-	Bangor.
Alanson J. Merrill,	-	-	-	Bangor.
Henry L. Mitchell,	-	-	-	Bangor.
F. H. Parkhurst,	-	-	-	Bangor.
H. H. Patten,	-	-	-	Bangor.
Wm. B. Peirce,	-	-	-	Bangor.
T. H. B. Pierce,	-	-	-	Dexter.
S. T. Plummer,	-	-	-	Dexter.
W. H. Powell,	-	-	-	Old Town.

*Deceased.

Erastus C. Ryder,	-	-	-	Bangor.
James M. Sanborn,	-	-	-	Newport.
Clarence Scott,	-	-	-	Old Town.
Geo. T. Sewall,	-	-	-	Old Town.
Bertram L. Smith,	-	-	-	Patten.
Reuel Smith,	-	-	-	Bangor.
C. P. Stetson,	-	-	-	Bangor.
Thos. W. Vose,	-	-	-	Bangor.
J. D. Warren,	-	-	-	Bangor.
Peregrine White,	-	-	-	Bangor.
F. J. Whiting,	-	-	-	Old Town.
Franklin A. Wilson,	-	-	-	Bangor.
Chas. F. Woodard,	-	-	-	Bangor.
.....	-	-	-	Bangor.

Piscataquis County.

Calvin W. Brown,	-	-	-	Dover.
Henry Hudson,	-	-	-	Guilford.
M. W. McIntosh,	-	-	-	Brownville.
Willis E. Parsons,	-	-	-	Foxcroft.
A. M. Robinson,	-	-	-	Dover.
John F. Sprague,	-	-	-	Monson.

Sagadahoc County.

Wm. T. Hall,	-	-	-	Richmond.
Geo. E. Hughes,	-	-	-	Bath.
Chas. W. Larrabee,	-	-	-	Bath.
Chas. D. Newell,	-	-	-	Richmond.
John Scott,	-	-	-	Bath.
Frank E. Southard,	-	-	-	Bath.
Franklin P. Sprague,	-	-	-	Bath.
Joseph M. Trott,	-	-	-	Bath.

Somerset County.

Benj. Adams,	-	-	-	No. Anson.
Turner Buswell,	-	-	-	Solon.
Geo. M. Chapman,	-	-	-	Fairfield.
Edward P. Coffin,	-	-	-	Skowhegan.
Abel Davis,	-	-	-	Pittsfield.
Forrest Goodwin,	-	-	-	Skowhegan.
Geo. W. Gower,	-	-	-	Skowhegan.
C. A. Harrington,	-	-	-	Norridgewock.
John W. Manson,	-	-	-	Pittsfield.
F. E. McFadden,	-	-	-	Fairfield.
Augustine Simmons,	-	-	-	No. Anson.
C. O. Small,	-	-	-	Madison.
L. L. Walton,	-	-	-	Skowhegan.

Waldo County.

Ellery Bowden,	-	-	-	Winterport.
Fred W. Brown,	-	-	-	Belfast.
R. F. Dunton,	-	-	-	Belfast.
Geo. E. Johnson,	-	-	-	Belfast.
Wm. P. Thompson,	-	-	-	Belfast.
Joseph Williamson,	-	-	-	Belfast.

Washington County.

Jas. M. Beckett,	-	-	-	Calais.
Chas. B. Donworth,	-	-	-	Machias.
Geo. R. Gardner,	-	-	-	Calais.
H. H. Gray,	-	-	-	Millbridge.
Samuel D. Leavitt,	-	-	-	Eastport.

F. B. Livingstone,	-	-	-	Calais.
J. H. McFaul,	-	-	-	Eastport.
I. G. McLarren,	-	-	-	Eastport.
B. B. Murray,	-	-	-	Pembroke.
L. H. Newcomb,	-	-	-	Eastport.
Chas. Peabody,	-	-	-	Millbridge.
B. Rogers,	-	-	-	Pembroke.
Edgar Whidden,	-	-	-	Calais.

York County.

Fred J. Allen,	-	-	-	Sanford.
E. C. Ambrose,	-	-	-	W. Buxton.
Horace H. Burbank,	-	-	-	Saco.
John B. Donovan,	-	-	-	Alfred.
Walter H. Downs,	-	-	-	So. Berwick.
Geo. A. Emery,	-	-	-	Saco.
Geo. D. Emery,	-	-	-	Ea. Lebanon.
Willis T. Emmons,	-	-	-	Saco.
Hampden Fairfield,	-	-	-	Saco.
Geo. A. Goodwin,	-	-	-	Springvale.
John M. Goodwin,	-	-	-	Biddeford.
F. W. Guptill,	-	-	-	Saco.
Geo. W. Hanson,	-	-	-	Sanford.
Frank M. Higgins,	-	-	-	Limerick.
Nathaniel Hobbs,	-	-	-	No. Berwick.
Luther R. Moore,	-	-	-	Saco.
W. P. Perkins,	-	-	-	Cornish.
Chas. H. Prescott,	-	-	-	Biddeford.
Moses A. Safford,	-	-	-	Kittery.
John C. Stewart,	-	-	-	York Village.
Chas. E. Weld,	-	-	-	W. Buxton.

MAINE STATE LIBRARY

PROCEEDINGS
OF THE
SEVENTH ANNUAL MEETING
OF THE
MAINE STATE BAR
ASSOCIATION

HELD AT
AUBURN, MAINE, FEBRUARY 9, 1898.



AUGUSTA :
PRESS OF CHARLES E. NASH.
1898.

FOREWORD

This is an exact photo-reproduction of
an original copy of the

**MAINE STATE BAR
ASSOCIATION
1898**

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Dennis & Co.
Buffalo, New York
November 1, 1940

PROCEEDINGS
OF THE
SEVENTH ANNUAL MEETING
OF THE
MAINE STATE BAR
ASSOCIATION

HELD AT
AUBURN, MAINE, FEBRUARY 9, 1898.

AUGUSTA:
PRESS OF CHARLES E. NASH.
1898.

*Office of Secretary of
Maine State Bar Association.*

AUGUSTA, JANUARY 31, 1898.

DEAR SIR:

The seventh annual meeting of the MAINE STATE BAR ASSOCIATION will be held at the Municipal Court Room, Auburn, Maine, on Wednesday, February 9, 1898, at 3 o'clock, P. M.

The order of business will be as follows :

1. *Report of Secretary and Treasurer.*
2. *Address by the President,*
Hon. FRANKLIN A. WILSON.
3. *Reports of Committees.*
4. *Discussion of proposed Bill regulating*
Admission to the Bar.
5. *Election of Officers.*

The meeting will conclude with a dinner at the Elm House, Auburn, at 8 o'clock, P. M.

Please notify the Secretary at once by enclosed postal card whether you will be present at the dinner. This is necessary in order to complete arrangements.

A full attendance is desired.

Per order of the Executive Committee.

LESLIE C. CORNISH,
Secretary.

L19094

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Maine State Bar Association.

SEVENTH ANNUAL MEETING.

AUBURN, MAINE, February 9, 1898.

In accordance with the foregoing call for the annual meeting, the MAINE STATE BAR ASSOCIATION met at the Municipal Court-Room in Auburn, Maine, on Wednesday, February 9th, 1898, at 3 o'clock, P. M., and was called to order by the president, Hon. Franklin A. Wilson.

The records of the last meeting being in print, their reading at this time was dispensed with.

The secretary reported that the following members of the Association had died since the last meeting:

Hon. Frank L. Noble of Lewiston.

Asa P. Moore, Esq., of Lisbon.

Richard W. Black, Esq., of Augusta.

Edward P. Coffin, Esq., of Skowhegan.

Hon. Hiram Bliss, Jr., of Washington.

Ex-Governor Daniel F. Davis of Bangor.

The treasurer submitted his annual report which was as follows.

TREASURER'S REPORT.

AUGUSTA, MAINE, February 9, 1898.

LESLIE C. CORNISH, Treasurer, in account with the MAINE
STATE BAR ASSOCIATION for the year 1897-8.

	DR.
To cash on hand from preceding year,	\$27 22
“ “ received from dues during the year,	178 00
“ “ “ “ 44 dinner tickets, at \$3,	132 00
	<hr/>
	\$337 22

Cr.

By cash paid expenses annual dinner,	\$128 25	
“ “ “ for stamps, wrappers and postals,		26 30
By cash paid salary Sec'y and Treas.,	100 00	
“ “ “ Chas. E. Nash, printing,	42 60	
	<hr/>	297 15
Balance,		\$40 07

The president appointed Hon. Albert M. Spear of Gardiner as auditor to examine the treasurer's report, and Mr. Spear subsequently reported that he had attended to that duty, had examined the vouchers for the same and found the accounts correct.

On motion of Mr. Spear the report of the treasurer was accepted.

Hon. W. S. Choate of Augusta moved that a committee of three be appointed to nominate a list of officers for the ensuing year, and the president appointed as members of the committee, W. S. Choate of Augusta, S. M. Carter of Auburn, and Harvey D. Eaton of Waterville.

Subsequently Mr. Choate as chairman of the committee, presented the following list of officers, all of whom were unanimously elected by ballot.

OFFICERS FOR 1898-9.

President.

CHARLES E. LITTLEFIELD, - - - Rockland.

Vice-Presidents.

WALLACE H. WHITE, - - - - Lewiston.

GEORGE M. SEIDERS, - - - - Portland.

ALBERT M. SPEAR, - - - - Gardiner.

Secretary and Treasurer.

LESLIE C. CORNISH, - - - - Augusta.

Executive Committee.

HANNIBAL E. HAMLIN, - - - Ellsworth.

CHARLES F. WOODARD, - - - Bangor.

WM. T. HAINES, - - - - Waterville.

F. E. TIMBERLAKE, - - - - Phillips.

CLARENCE HALE, - - - - Portland.

Committee on Membership.

GEO. C. WING,	-	-	-	-	-	Auburn.
CHAS. F. DAGGETT,	-	-	-	-	-	Presque Isle
ALBERT S. WOODMAN,	-	-	-	-	-	Portland.
ELMER E. RICHARDS,	-	.	-	-	-	Farmington.
ARNO W. KING,	-	-	-	-	-	Ellsworth.
GEO. W. HESELTON,	-	-	-	-	-	Gardiner.
D. N. MORTLAND,	-	-	-	-	-	Rockland.
WM. H. HILTON,	-	-	-	-	-	Damaris-
						[cotta.
A. E. HERRICK,	-	-	-	-	-	Bethel.
HUGH R. CHAPLIN,	-	-	-	-	-	Bangor.
W. E. PARSONS,	-	-	-	-	-	Foxcroft.
F. E. SOUTHARD,	-	-	-	-	-	Bath.
FORREST GOODWIN,	-	-	-	-	-	Skowhegan.
WM. P. THOMPSON,	-	-	-	-	-	Belfast.
L. H. NEWCOMB,	-	-	-	-	-	Eastport.
HORACE H. BURBANK,	-	-	-	-	-	Saco.

Committee on Law Reform.

CHAS. F. LIBBY,	-	-	-	-	-	Portland.
JOHN A. MORRILL,	-	-	-	-	-	Auburn.
F. H. APPLETON,	-	-	-	-	-	Bangor.
LEROY T. CARLETON,	-	-	-	-	-	Winthrop.
WILLIAM H. FOGLER,	-	-	-	-	-	Rockland.

Committee on Legal History.

JOSIAH H. DRUMMOND,	-	-	-	-	-	Portland.
JOSEPH WILLIAMSON,	-	-	-	-	-	Belfast.
J. F. SPRAGUE,	-	-	-	-	-	Monson.
F. M. DREW,	-	-	-	-	-	Lewiston.
S. CLIFFORD BELCHER,	-	-	-	-	-	Farmington.

Committee on Legal Education.

J. W. MITCHELL, -	-	-	-	-	Auburn.
LOUIS C. STEARNS, -	-	-	-	-	Caribou.
F. C. PAYSON, -	-	-	-	-	Portland.
JOS. C. HOLMAN, -	-	-	-	-	Farmington.
O. F. FELLOWS, -	-	-	-	-	Bucksport.
W. C. PHILBROOK, -	-	-	-	-	Waterville.
JOS. E. MOORE, -	-	-	-	-	Thomaston.
G. B. KENNISTON, -	-	-	-	-	Boothbay [Harbor.
A. S. KIMBALL, -	-	-	-	-	Norway.
E. C. RYDER, -	-	-	-	-	Bangor.
HENRY HUDSON, -	-	-	-	-	Guilford.
JOS. M. TROTT, -	-	-	-	-	Bath.
GEO. W. GOWER, -	-	-	-	-	Skowhegan.
R. F. DUNTON, -	-	-	-	-	Belfast.
C. B. DONWORTH, -	-	-	-	-	Machias.
HAMPDEN FAIRFIELD, -	-	-	-	-	Saco.

President Wilson then delivered the annual address.
(See page 20.)

On motion of J. W. Mitchell,

Voted: That the thanks of the Association be extended to President Wilson for his able and instructive address.

Mr. J. W. Mitchell, from the special committee appointed to prepare a bill regulating admission to the bar, submitted the following report.

SEVENTH ANNUAL MEETING.

Committee on Membership.

GEO. C. WING,	-	-	-	-	Auburn.
CHAS. F. DAGGETT,	-	-	-	-	Presque Isle
ALBERT S. WOODMAN,	-	-	-	-	Portland.
ELMER E. RICHARDS,	-	-	-	-	Farmington.
ARNO W. KING,	-	-	-	-	Ellsworth.
GEO. W. HESELTON,	-	-	-	-	Gardiner.
D. N. MORTLAND,	-	-	-	-	Rockland.
WM. H. HILTON,	-	-	-	-	Damaris-
					[cotta.
A. E. HERRICK,	-	-	-	-	Bethel.
HUGH R. CHAPLIN,	-	-	-	-	Bangor.
W. E. PARSONS,	-	-	-	-	Foxcroft.
F. E. SOUTHARD,	-	-	-	-	Bath.
FORREST GOODWIN,	-	-	-	-	Skowhegan.
WM. P. THOMPSON,	-	-	-	-	Belfast.
L. H. NEWCOMB,	-	-	-	-	Eastport.
HORACE H. BURBANK,	-	-	-	-	Saco.

Committee on Law Reform.

CHAS. F. LIBBY,	-	-	-	-	Portland.
JOHN A. MORRILL,	-	-	-	-	Auburn.
F. H. APPLETON,	-	-	-	-	Bangor.
LEROY T. CARLETON,	-	-	-	-	Winthrop.
WILLIAM H. FOGLER,	-	-	-	-	Rockland.

Committee on Legal History.

JOSIAH H. DRUMMOND,	-	-	-	-	Portland.
JOSEPH WILLIAMSON,	-	-	-	-	Belfast.
J. F. SPRAGUE,	-	-	-	-	Monson.
F. M. DREW,	-	-	-	-	Lewiston.
S. CLIFFORD BELCHER,	-	-	-	-	Farmington.

Committee on Legal Education.

J. W. MITCHELL, -	-	-	-	-	Auburn.
LOUIS C. STEARNS, -	-	-	-	-	Caribou.
F. C. PAYSON, -	-	-	-	-	Portland.
JOS. C. HOLMAN, -	-	-	-	-	Farmington.
O. F. FELLOWS, -	-	-	-	-	Bucksport.
W. C. PHILBROOK, -	-	-	-	-	Waterville.
JOS. E. MOORE, -	-	-	-	-	Thomaston.
G. B. KENNISTON, -	-	-	-	-	Boothbay [Harbor.
A. S. KIMBALL, -	-	-	-	-	Norway.
E. C. RYDER, -	-	-	-	-	Bangor.
HENRY HUDSON, -	-	-	-	-	Guilford.
JOS. M. TROTT, -	-	-	-	-	Bath.
GEO. W. GOWER, -	-	-	-	-	Skowhegan.
R. F. DUNTON, -	-	-	-	-	Belfast.
C. B. DONWORTH, -	-	-	-	-	Machias.
HAMPDEN FAIRFIELD, -	-	-	-	-	Saco.

President Wilson then delivered the annual address.
(See page 20.)

On motion of J. W. Mitchell,

Voted: That the thanks of the Association be extended to President Wilson for his able and instructive address.

Mr. J. W. Mitchell, from the special committee appointed to prepare a bill regulating admission to the bar, submitted the following report.

REPORT OF COMMITTEE.**TO THE MAINE STATE BAR ASSOCIATION :**

The committee appointed to consider the matter of a change in the method of conducting examinations for admission to the Bar and prepare and present a bill to the last Legislature, beg leave to submit the following report :

Pursuant to the direction of the Association, your committee met at Augusta and prepared a bill, a copy of which is hereunto annexed, and caused the same to be introduced in the Senate. It was subsequently referred to the committee on the Judiciary ; one or two hearings were given before the committee to such members of the Bar as desired to be heard thereon, and as a result, the bill was favorably reported by the committee and was passed to be engrossed in the Senate. In the House, an attempt was made to indefinitely postpone it, but finally, on motion of Mr. Hamilton of Biddeford, it was referred to the next Legislature, in which action the Senate subsequently concurred. In preparing the bill, the committee followed the general lines adopted in other States, where State Boards of Examiners have been established, making such changes in details as seemed to be necessary to meet the conditions in our State. Your committee would recommend that this bill be printed in the report of the proceedings of this meeting, in order that it may be examined and considered by the members of the Bar throughout the State before the next session of the Legislature.

J. W. MITCHELL,
WM. H. FOGLER,
LOUIS C. STEARNS.

State of Maine.

In the year of our Lord one thousand eight hundred and ninety-seven.

An act to regulate the admission to practice of Attorneys, Solicitors and Counselors, to provide for a Board of Examiners, and to Repeal Conflicting Acts.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Section 1. Practicing attorneys, residents of other 2 states and territories, or from foreign countries, may 3 be admitted on motion to try cases in any of the 4 courts of this State by such courts, but shall not be 5 admitted to the general practice of law in this State 6 without complying with the provisions of this act ; 7 provided, that where the applicant shall furnish the 8 supreme judicial court a certificate of admission to 9 practice in the court of last resort of any state, or a 10 certificate of admission to any circuit court of the 11 United States, together with the recommendation of 12 one of the judges of the court of last resort of such 12 state, said supreme judicial court may in its discre- 13 tion, if satisfied as to his qualifications, admit such 14 person to practice on motion made by some member 15 of the bar of said court.

Sect. 2. Every other person who shall be of full 2 age, a resident and a citizen of the United States and 3 of a good moral character, may be admitted to 4 practice as an attorney and counselor at law, and 5 solicitor and counselor in chancery, in all the courts 6 of record of this State on motion made in open court, 7 but the applicant shall first produce the certificate 8 hereinafter provided for from the board of examiners,

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8 branch or subject upon which he has been examined,
9 whether a certificate is issued or not. Any applicant
10 failing to pass the examination may again apply after
11 six months, by showing to the board that he has dili-
12 gently pursued the study of the law six months prior
13 to the examination, and shall not be required to pay
14 an extra fee for the second examination.

Sect. 6. No person who is a resident of or a student
2 at law in this State shall be eligible to examination
3 for admission to the bar unless he shall have been
4 enrolled in the records of the examining board, as a
5 student at law for the full period of three years.
6 Every person desiring to become enrolled as a student
7 at law shall make application in writing to the board
8 of examiners, praying to be so enrolled and offering
9 to submit to an examination. The sum of ten dollars
10 shall accompany such application, notice of the
11 pendency of such application shall be published in
12 some newspaper published in the city or town where
13 the candidate resides, if any, and if not, in some
14 newspaper published in the county. At the next
15 regular or special meeting of said board such candi-
16 date shall present himself for examination. At said
17 examination said board shall inquire into the moral
18 character and ethics of the candidate and his general
19 fitness for the profession of law. If the result of such
20 inquiry and examination is satisfactory to the board, the
21 applicant, unless he be a graduate of some college,
22 shall be fully examined in such branches of elementary
23 and higher education as shall be required by the rules
24 of said board. If said examination is satisfactory,
25 or the candidate is a college graduate as aforesaid, he
26 shall be so enrolled.

Sect. 7. The board of examiners shall receive as
2 compensation for their services ten dollars per day
3 for the time actually spent, and the necessary
4 expenses incurred in the discharge of their duties as
5 examiners, in going to, holding, and returning from,
6 such examination to be certified by the clerk or one
7 of the justices of the supreme judicial court; pro-
8 vided, however, that all compensation for services
9 and expenses shall not exceed the amounts received
10 as fees from applicants.

Sect. 8. Sections 23 and 24 of chapter 79 of the
2 Revised Statutes and all other acts and parts of acts
3 inconsistent herewith are hereby repealed.

Sect. 9. Except so far as relates to the appoint-
2 ment of the board of examiners herein provided for,
3 this act shall not take effect until January, 1, 1898.

The secretary then presented the following communica-
tions from the American Bar Association.

American Bar Association.
Committee on Legal Education and Admissions to the Bar.
No. 12, E. Lexington Street.
Baltimore, January 19th, 1898.

My Dear Sir:

At the last meeting of the American Bar Associa-
tion, the following resolution was passed by the Section
of Legal Education:

Resolved, That the delegates from State and local Bar
Associations to this Conference are hereby requested to
communicate to the associations represented by them,

the resolutions adopted by the American Bar Association relative to the subject of the requirement of three years' study before admission to the Bar and the requirement of the equivalent of at least a high school education before entering professional study.

Also Resolved, That the Secretary of this Section be requested to send similar communications to the associations not represented.

Pursuant to the direction of the Section, I have the honor to send you herewith a copy of the resolutions of the Bar Association referred to, and, on behalf of the Section of Legal Education, request that you communicate the same to the association represented by you.

Yours very respectfully,

GEORGE M. SHARP, Secretary.

At the meeting of the American Bar Association on August 25th, 1897, the following resolutions were adopted :

“Resolved, That the American Bar Association approves the lengthening of the course of instruction in law schools to a period of three years, and that it expresses the hope that as soon as practicable, a rule may be adopted in each State which will require candidates for admission to the Bar to study law for three years before applying for admission.

“Resolved, That the American Bar Association is of the opinion that before a student commences the study of law, it is desirable that he should have received a general education, approximately at least, equivalent to a high school course, and that persons who have not completed the equivalent of such a course should not be admitted into law schools as candidates for a degree.

"The Association means by the expression, 'a high school course,' a course of study beginning at the end of a grammar school course and extending over four full years.

"The course of study referred to, would include a knowledge of English Grammar, English Composition, English and American Literature, the History of England and the United States, as well as General History, Arithmetic, Algebra, Plane and Solid Geometry, Physical Geography, Civil Government, Elementary Physics, Human Physiology, Botany, and either Zoology, Geology, Chemistry or Astronomy, as the applicant selects. The candidate might be permitted to substitute a foreign language for an equivalent amount of science study."

The president read a letter from Hon Albert W. Paine of Bangor, in opposition to the proposed bill.

Mr. L. T. Carleton of Winthrop favored the printing of the bill in the proceedings of the meeting so that the members of the Bar throughout the State could carefully consider it; but expressed himself as opposed to some features of the bill, especially the preliminary examination.

Mr. L. C. Stearns of Caribou a member of the special committee, said that the bill was introduced by him in the Senate after it had been prepared by the committee; that it was reported favorably by the Judiciary Committee and passed the Senate without objection; but in the House of Representatives the requirements as to preliminary examination met with objection and the bill was referred in the House to the next legislature.

He expressed himself strongly in favor of the bill as drawn.

Mr. Chas. E. Littlefield asked if this provision as to preliminary examination was found in other states, and Mr. Wm. H. Fogler of Rockland, a member of the committee, replied that it was in some. Mr. Fogler also stated that the reference of this bill to the next legislature was for the purpose of having it considered more fully by this association and by the Bar of the State, so that the whole profession could be heard. He said that this bill was drawn along the lines of the law prevailing in the State of Michigan.

Mr. D. N. Mortland of Rockland favored some measures of the bill and said the question was whether we should adhere to the old method or adopt the new method of a uniform examination; he favored the latter in principle and he also favored the provision as to preliminary examination.

Mr. Geo. C. Wing of Auburn said that he was opposed to too much paternalism and thought if the Bar would insist upon a more rigid examination in each county we could do as well in the future as in the past; and he especially opposed the provisions relating to a preliminary examination.

Mr. Harvey D. Eaton of Waterville spoke in favor of the bill. He said that in some counties the examination is a mere farce, and students will go from the county in which they have studied to another in which the examination is easier in order to secure admission.

Mr. A. M. Spear of Gardiner was in favor of some uniform examination for admission but was opposed to the provisions relating to a preliminary examination. He also objected to the fee required for an application to study law.

Mr. Wallace H. White of Lewiston argued in favor of the bill and thought the discussion had gone wide of the precise questions involved.

Mr. Chas. E. Littlefield was in favor of a uniform method of examination but opposed to the preliminary examination. He thought the State Board of Examiners could determine the whole question when candidates presented themselves for admission. He also argued that the fees of the Board of Examiners should be paid by the State and not by the applicant and believed in raising the standard but not in increasing the difficulty or the expense to the student.

Mr. E. C. Reynolds of Portland was in favor of the passage of the bill as it is, with the exception of the \$10 enrollment fee.

On motion of Mr. Reynolds,

Voted: That the report of the special committee be accepted, the bill be printed in the report of the proceedings of this meeting, and that a copy of the printed proceedings be sent to every practicing attorney in the State.

On motion of Mr. D. N. Mortland,

Voted: That it is the sense of this meeting that a uniform system of examination by a State Examining Board should be adopted.

The motion was passed by an almost unanimous vote, only two members being opposed.

On motion of Mr. Eugene A. Holmes of Caribou,

Voted: That the secretary acknowledge the receipt of Mr. Paine's letter and inform him that his suggestions would receive the attention of the association.

The following new members were recommended for admission, and it was voted that they become members of the association upon payment of the annual due :

Walter S. Glidden,	-	-	-	-	Bath.
Sanford L. Fogg,	-	-	-	-	Bath.
Wm. T. Hall, Jr.,	-	-	-	-	Bath.
Jas. L. Doolittle,	-	-	-	-	Brunswick.
Wallace R. Lumbert,	-	-	-	-	Caribou.
Willis B. Hall,	-	-	-	-	Caribou.
Allen E. Rogers,	-	-	-	-	Orono.
Herbert E. Foster,	-	-	-	-	Winthrop.
H. B. Carver,	-	-	-	-	Lewiston.
A. G. Holmes,	-	-	-	-	Lewiston.
J. Z. Blouil, -	-	-	-	-	Lewiston.
W. B. Skelton,	-	-	-	-	Lewiston.
Ralph W. Crockett,	-	-	-	-	Lewiston.
F. Carroll Burrill,	-	-	-	-	Ellsworth.
Frank E. Brown,	-	-	-	-	Waterville.
Dana P. Foster,	-	-	-	-	Waterville.
Fred W. Clair,	-	-	-	-	Waterville.
J. H. Maxwell,	-	-	-	-	Livermore
					[Falls.
James A. Pulsifler,	-	-	-	-	Auburn.
Herbert C. Royall,	-	-	-	-	Auburn.
A. C. Andrews,	-	-	-	-	Mechanic
					[Falls.
E. M. Thompson,	-	-	-	-	Augusta.
F. J. C. Little,	-	-	-	-	Augusta.

The association then adjourned to meet at 8 P. M. at the Elm House, Auburn, at which hour the annual dinner was served, President Wilson presiding.

Voted to adjourn.

Adjourned.

A true record. Attest:

LESLIE C. CORNISH,

Secretary.



ANNUAL ADDRESS.

BY HONORABLE FRANKLIN A. WILSON, *President of the
Maine State Bar Association.*

Gentlemen of the Association :

A few weeks since, one of our fraternity occupying a high judicial position in the Empire State, on a semi-public occasion, at a meeting not unlike this, gave utterance to sentiments which caused a great commotion amongst the ten thousand lawyers constituting the Bar of the City of New York, and caused no few comments in the legal world outside of the metropolis. I do not profess to give the language of that eminent jurist in the identical words ; in fact, different reporters gave slightly different versions of the language or phrases used, but the idea was that the American Bar had deteriorated and that the practice of law had degenerated from a profession to a trade, whatever that might signify.

The words *profession* and *trade* were used antithetically by the speaker, and it readily occurs to most minds familiar with present methods and practices, that the idea which the distinguished and learned gentleman had in mind was that the lawyer of Yesterday and the lawyer of To-day were widely different in their mental equipment, or in their methods and processes of arriving at results

and working out the legal problems which are constantly confronting the legal practitioner; that the effect of the modern methods upon the practitioner himself is belittling and that the system which we have been taught to regard as the perfection of human reason is as now practiced becoming a humdrum, mechanical search for decided cases through volumes of legal dictionaries and encyclopædias, sometimes compiled at so much a page, often by gentlemen who have never been fortunate enough to have known the feeling, ecstatic above all others in the life of the practicing lawyer,— the appearance of his first client.

It may not be inappropriate, and will not, I hope, be entirely without profit, briefly to consider the lawyer of Yesterday and the lawyer of To-day, if perchance whilst sympathizing with much that the learned Judge so truthfully said, we may find something to reconcile us to present usages and methods.

What sort of man was the lawyer of the first seventy years of our life as an independent Nation? Happily we have quite full records of the lives of the Chief and Associate Justices of the Supreme Court and of the Justices of the State Courts as well; and there are many of us old enough to remember the account given by our fathers and grandfathers of the majesty and dignity attendant upon, and enshrouding the Judiciary and the leading lawyers as they rode the circuit. The lawyer, the minister, and the doctor constituted the aristocracy of the neighborhood in which they lived. If a boy's parents were able to send him to college, he was at once foreordained to study one of the three so-called learned professions, and was expected to devote three full years to the special study of his profession after his college course was ended. Schools for special instruction were at first unknown, and the student

listened to the discourse of the lawyer in whose office he was installed for instruction. There were then, as now, instances of men who without the advantage of college training or subsequent special training in a law school, obtained place in the front rank of our profession by force of exceptional intellectual endowment, but that was not the rule.

The Judges of the Federal Courts like Chief Justice Marshall and the Justices of the State Courts, were starting out in their judicial life under written constitutions, over a territory, which so far as legal adjudication was concerned, was figurately speaking an unbroken forest, through which they were to hew paths with no mechanical appliances for assistance, and from the necessity of the case, they used the native intellectual powers and forces with which all human being are endowed to a greater or or less degree. Reports and Digests were not accessible to them, and legal principles as established and defined by them, and fashioned laboriously into opinions in cases arising in the early days of the Republic were the outgrowth of original reasoning. No wonder that intellects became highly trained in this school of necessity and that the legal profession was called upon in those days to furnish so large a component part of all legislative bodies.

The people were not slow to discover and to appreciate the advantages which would accrue to the country from securing the aid of the best educated men, the trained thinkers and reasoners to fashion the body of laws under which they were destined to live, and under which they must claim protection to their persons and property.

Of the boys now going to college, not thirty per cent enter the three so-called learned professions. Mercantile,

scientific, mechanical and agricultural occupations in varying proportions claim the large majority. In all our communities it will be found difficult, if not impossible, to see any signs of the social distinctions which were probably so grateful to the old-fashioned lawyer, doctor and minister.

Our modern lawyer emerges from the law school or lawyer's office grounded in the principles of law, but very soon after he learns that whilst the volumes of Reports, Federal and State are thousands in number, a short and inexpensive method has been discovered whereby he will be saved expense in money and expenditure in time also.

Bright, ingenious lawyers, and probably some who are bright and ingenious but like necessity "know no law" have digested and classified all the Reports, and a Dictionary and Digest with a subscription to a couple of Reporters will to a great degree supply his actual needs. To be sure he sometimes makes erroneous citations of authorities, but he gets at work, and soon if fortunate has no time to study excepting his cases as they arise, and possibly this is the man whom the learned Judge had in mind when he said the practice of law was "no longer a profession, it was a trade."

If so, did he not generalize too hastily? We know it to be a fact that while in many large communities there is a large percentage of purely mechanical lawyers, there is still a band of men whose names are in every well-read lawyer's mouth, who have the habit and capacity of dealing with principles as surely as ever John Marshall did. Their services are called into requisition in cases of grave importance both by individuals and by the government

on account of their intellectual grasp of legal principles and their ability to apply them to existing cases.

Another consoling reflection is that the modern lawyer is recognized to be a better business lawyer than were the early shining lights in the profession. At no time were there ever so many lawyers, who at the same time were good business men and competent to take part in unravelling complicated conditions and re-organizing and re-establishing enterprises in a failing condition for lack of the aid of a business lawyer at the critical time, some one combining good legal attainments with business knowledge and habits. The well-equipped business lawyer is to-day reaping large rewards in our larger cities.

But time would fail me to continue upon this prolific subject. I am only "threshing over old straw" to such an intelligent body of men as the members of the Maine Bar Association.

Is it not a fact that the whole world, or at least so much of the world as is open to the influences of advancing civilization, is in a sense becoming more mechanical or methodical? The advent of steam as a motive power, to be followed by electricity for the same use; the supplementing of the mail for the transmission of news by the telegraph and telephone have revolutionized business.

In our own profession how completely has the advent of the stenographer expedited and revolutionized the trial of causes.

Let me briefly detail to you what I have seen in a Court room fifty years ago. The subject of controversy was a piece of bog land quite inaccessible excepting on skates during the winter months. A very slight variation in the needle caused such an error in surveying and lotting

as would give either plaintiff or defendant possession of less than one-eighth of an acre of real estate, of a character such that it could never be used — an impenetrable bog in summer, and just enough dead scrubby trees emerging a few feet above the ice in winter to spoil the surface for skating, it was as you will see of no use or value excepting as a basis for municipal taxation, but the two farmers who were in dispute as plaintiff and defendant were of the litigious variety of man, which rejoices in legal encounter and the notoriety connected therewith. It was in the good old days when the political parties were marshalled under the names of "Whig" and "Democrat", and it was deemed prudent in order to secure an impartial jury that on each side of every case in which the litigants could afford it there should be a lawyer of each political faith, whilst the fact was not lost sight of that of counsel should also be one man who had good knowledge of law. So it resulted that six lawyers were in the case, three on a side. All the old men and women in the town were summoned as witnesses on the one side or the other together with five land surveyors who had made independent surveys, two for plaintiff, as many for defendant, and one from a distant city appointed by the Court. Aside from the surveyors the plaintiff had thirty-one witnesses and the defendant thirty-three.

The case was supposed to come on for trial on a certain Monday morning, and the locus being twenty miles from the shire town, the note of preparation was sounded in the town where the litigants resided and the Serbonian bog was located on the preceding Sunday noon, from which time until nine o'clock the next morning there was

a constant procession of such methods of conveyance as were available for the carriage of eighty odd people to the shire town.

Unluckily, the preceding case, which had been on trial for three days of the preceeding week, wherein a woman engaged in the then not uncommon occupation of vending fish, sought damages from a rival in the business in an action of slander in having applied to her an epithet which implied a lack of some Christian virtue, had only reached the point of argument by counsel, which with the judge's charge consumed all of Monday, finally going to the jury on Tuesday morning resulting in a verdict for plaintiff of six cents after the jury had been out five hours, meantime coming in twice for further instructions.

Tuesday at eleven o'clock the case we are describing was opened, the plaintiff's attorney reading his writ, which contained several counts, either one of which was sufficient, and opening his case at great length. Defendant's counsel filed various pleas, each of which led to endless discussion which lasted until nine o'clock at night, saving an hour of recess for dinner and one for supper.

At nine o'clock the judge had disposed of all the pleadings excepting the "general issue" and directed the plaintiff to be prepared to go on with his testimony at nine o'clock on Wednesday, at which time the court house was crowded.

One of the plaintiff's lawyers was partially paralyzed and wrote with great moderation as well as pain, and he insisted upon writing down each question and each answer in full before another question could be asked. This infirmity of plaintiff's counsel was well supplemented by a slight thickness of hearing on the part of one of de-

fendant's counsel, whilst the judge was quite deaf and inclined to suddenly fall asleep. As a result of all which each witness would be asked to repeat his answer, sometimes more than once and in louder tone of voice, so that a person of quiet tastes could easily imagine himself in a boiler shop. The discussions were endless over the answers made by witnesses, and sometimes fifteen minutes would be consumed in looking back over the seven manuscripts of the Judge and six lawyers to determine what a witness had said, with the general result that each lawyer had written down what made for his client and omitted what did not support his theory.

At the end of five days, exclusive of Sunday, the case went to the jury, who had heard so much of discussion by the lawyers during the process of getting out the evidence, that they had substantially lost the run of the case, and remembering the injunction of the judge that they should act impartially, came in just in season to avoid staying out all night, with the announcement of a disagreement, standing six and six, to which result one judge, six lawyers, one clerk, one sheriff with three subordinates, twenty-eight jurymen including supernumeraries, and sixty-eight witnesses had contributed one week's time.

With the advent of the stenographer and limit of time for argument, such a travesty of the "speedy administration of justice" is now impossible, yet justice is administered as surely and more speedily and inexpensively.

The business of this country cannot wait for transaction by the antiquated methods, and I do not hazard contradiction in saying that the modern practitioner with fair business ability can do four times the amount of

business in a day, than could his father or grandfather, and with much less physical wear and tear.

As apposite to the history of the case the trial of which I have attempted to describe to you as taking place fifty years ago, permit me to state to you what I witnessed in a court in New York City, held by an associate of the judge whose terse statement I first quoted. I happened into court just as a case was called involving between \$75,000 and \$100,000. A large number of witnesses were called and examined. Neither judge nor counsel took notes, all depended upon the official stenographer. Only one lawyer on a side interrogated witnesses, and that he did standing at his table. There was a time limited to argument, I think thirty minutes. The judge took the reins and drove all the time, charging briefly but very clearly, and a large verdict was rendered, and another case, one of less importance, finished before five o'clock.

Meeting the presiding justice at dinner I told him it seemed strange to me to see so much business done in one day; he said that with the amount of business on the dockets, the business community would not stand antiquated methods, and that the juries, lawyers and parties liked the new way best.

Thirty years ago a merchant in Chicago wishing to purchase a large quantity of boots and shoes in Lynn, Massachusetts, spent a week in doing it and a hundred dollars in money, or perhaps twice or three times that, paid in railway and hotel fares.

Last week, his son and successor bought of the same house twice as large a bill, putting in one-half hour time and ten dollars for telephone service. Do we say that the son has degenerated because he used modern instrumentalities?

Having spoken of the lawyer of Yesterday and of To-day, have we discovered any evolutionary indications of what manner of man the lawyer of To-morrow is to be?

As the result of my reflections upon the subject, and I have aimed at giving my own views rather than to find out by special study what other lawyers may have thought or written, I should say that now and forever the man who enters upon the practice of law rooted and grounded in its eternal principles will early find suitable recognition, whilst the man who comes without that foundation, will pass through a long and weary season of stumbling and mistake whilst he is acquiring and mastering those same principles, and until he reaches the acquirements he doubts himself and his clients doubt him too. If when a case is submitted to him, he can refer it to a general principle in his mind and give his opinion confidently, his client will be inspired with confidence, but if, himself afloat, he begins to delve in his cyclopædia or digest of decided cases, if perchance he may find a parallel case, in a majority of instances he will lose a client. Such has always been the rule, such it now is and always will be.

I have spoken of the fact that the lawyers of Yesterday were frequently called to be Legislators, and the character and characteristics of lawyers should be such that the body of the people should feel a strong conviction that the greater the number of lawyers in legislative bodies, the safer are the liberties of the people, and the more secure all citizens in life, limb and property.

To this end the lawyer of all men should be and can afford to be independent, leading his party rather than following in lines marked out by political bosses.

The four men acknowledged to be at the head of our profession in the United States are rated as Independents

in their respective parties, not fearing at any time to act against party edicts and vote for those of opposing politics when the welfare of the State or Nation or municipal integrity is involved. Such men are always secretly revered and admired by their party associates who under the party lash stigmatize them as "impracticables" and "cranks."

There is no doubt that every citizen owes a duty to the public; the character and degree of the duty is not the same to all. It is commensurate with opportunity and circumstances. We are lawyers; we assume to know the law, and we owe it to ourselves and to our profession to throw our influence in the direction of making good laws, and aiding in their execution. If bad laws have crept into our body of laws repeal them; if good, execute them.

I have in mind now the great menace and curse of this country, municipal misgovernment. The fraud and rottenness now existing in the government of American cities, from the largest to the smallest, with of course honorable exceptions, is appalling, and I believe that our profession should cry aloud and spare not against the wickedness which has invaded municipal administration.

Let it be known to be the law of the land that in municipal matters the sale of indulgences to commit crimes, taking of bribes, sale of offices, taking commissions by municipal officers from contractors and from material men is not only liable to bring wrongdoers to the penitentiary, but that they can be legally compelled to disgorge illgotten gains, and the destruction of the fair fabric of our government may be averted, otherwise the prognostications of economic writers that our Republic cannot stand this last test may prove too true.

Pardon me for taking you into my confidence and calling your attention at this time to a condition of things in this State, peculiar, unique, and to my mind discouraging to lovers of law and order. I refer to the fact that whilst the idea of prohibition of the manufacture and sale of intoxicating liquors is engrafted upon the Constitution and laws of our State, the sale of intoxicating liquors is, I think, as free in most of our cities and large towns as in any State of the Union in which a license system prevails.

Personally I am not a believer in the legislation now upon the Statute book, and have conscientiously and persistently voted against the constitutional amendment, but a majority thought otherwise, and that majority, comprising a large number of the most respectable, law-abiding citizens, demand an enforcement of the law, which they are not now getting. Public opinion, it is argued, does not sustain the enforcement of the law as now found upon the Statute book. If, then, we are to have a license law in fact, why not have one in name? I appeal to you as lawyers, to say whether it is not demoralizing to the last degree to leave unexecuted so important a law, the reason being that public opinion does not sustain the enforcement of it.

Does not our practice justly expose us to the censure of our own citizens, as well as to the ridicule of those residing in other States, whose laws, the execution of which is not sustained by public opinion, are repealed and replaced by those which will be respected and executed?

Not believing that the sale of intoxicating liquors can be prohibited, it does not follow that the sale cannot be restricted and the State saved from that curse of all curses, the unrestricted sale of intoxicating liquors.

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Pardon me for taking you into my confidence and calling your attention at this time to a condition of things in this State, peculiar, unique, and to my mind discouraging to lovers of law and order. I refer to the fact that whilst the idea of prohibition of the manufacture and sale of intoxicating liquors is engrafted upon the Constitution and laws of our State, the sale of intoxicating liquors is, I think, as free in most of our cities and large towns as in any State of the Union in which a license system prevails.

Personally I am not a believer in the legislation now upon the Statute book, and have conscientiously and persistently voted against the constitutional amendment, but a majority thought otherwise, and that majority, comprising a large number of the most respectable, law-abiding citizens, demand an enforcement of the law, which they are not now getting. Public opinion, it is argued, does not sustain the enforcement of the law as now found upon the Statute book. If, then, we are to have a license law in fact, why not have one in name? I appeal to you as lawyers, to say whether it is not demoralizing to the last degree to leave unexecuted so important a law, the reason being that public opinion does not sustain the enforcement of it.

Does not our practice justly expose us to the censure of our own citizens, as well as to the ridicule of those residing in other States, whose laws, the execution of which is not sustained by public opinion, are repealed and replaced by those which will be respected and executed?

Not believing that the sale of intoxicating liquors can be prohibited, it does not follow that the sale cannot be restricted and the State saved from that curse of all curses, the unrestricted sale of intoxicating liquors.

I am not willing to admit, for I do not believe, that the lawyer of To-day has degenerated, speaking of lawyers as a class. The lawyers of To-day have accommodated themselves to changed conditions. The lawyer of Yesterday had no such tools of trade, so to speak, as the lawyer of To-day has had placed in his hands by the dissemination of education and learning in the world, and the annihilation of time and space effected by steam and electricity in different forms of application.

The lawyer of Yesterday was restricted as to his means of preparation, whilst the lawyer of To-day finds abundant means for thorough preparation through schools of law and lectures upon legal subjects, by the wisest and ablest experts in law.

Nothing will take the place of labor nor obviate its necessity in qualifying for our profession, nor will the lawyer of To-morrow expect to enjoy an immunity from careful study if he would reap the rewards of our profession.

The work of the lawyer of Yesterday may be described as formative and constructive. The lawyer of To-day finds the whole country invaded by commercialism, and applies that which he has received from his ancestor in the profession to changed conditions, new business methods, and also to increased intelligence on the part of the business world from which his clientele is to be drawn. There is to be no step backward. The lawyer of To-morrow will find the spirit of commercialism firmly fixed in the body politic, and will walk in paths similar to those which we have trodden. He will find it even more to his advantage to be a specialist than we do to-day.

The same tendency is observed in medicine and in theology. The oculist, and the aurist, the one who attends solely to diseases of the brain and nerves, and the one who cultivates pure surgery, stands off against the specialist in admiralty, equity and patent law, whilst the old-fashioned clergyman looks askance at the special methods of revivalists imported for special services and the wretched music and street marching of the Salvation Army, which is nevertheless doing a work and exercising an influence which makes the world a better place to live in.

The florid and effervescent style of oratory which was formerly held up to the students as worthy of emulation has given place to clear statement of facts in the simplest language.

The man who succeeds in these days, whether he be in the pulpit, at the bar, in Congress or Parliament, is the man who has an idea or a message which he wishes to impress upon the body he is addressing, rather than one who delights to hear the tones and listen to the cadences of his own voice.

It was not always so, and the utilitarian, commercial spirit of the times is mainly responsible for the change. Church-goers, judges and jurors, senates and parliaments, are not looking for flights of oratory nor tricks of elocution, but plain statements of fact from a man who knows.

AMENDED BY-LAWS
OF THE
MAINE STATE BAR
ASSOCIATION

ARTICLE 1. MEMBERSHIP.

Members of the Bar in this State, shall be eligible to membership and shall be elected at any legal meeting, upon the nomination of the committee on membership.

ARTICLE 2. OFFICERS.

The officers of this association shall be a president, three vice-presidents, an executive committee, a committee on law reform, a committee on legal education and admission to the bar, a committee on legal history, a secretary and a treasurer. All these officers shall be elected by ballot at the annual meeting and shall hold office until others are elected and qualified in their stead.

Other standing committees than those above specified may be provided by the association from time to time as may be found expedient.

ARTICLE 3. PRESIDENT.

The president, or in his absence, one of the vice-presidents, shall preside at all meetings of the association. The president shall be, *ex officio*, a member of the executive committee.

ARTICLE 4. EXECUTIVE COMMITTEE.

The executive committee shall consist of four members beside the president. They shall have charge of the affairs of the association, make arrangements for meetings, order the disbursement of the funds of the association, audit its accounts, and have such other powers as may be conferred on them by vote at any meeting of the association.

ARTICLE 5. COMMITTEE ON LAW REFORM.

The committee on Law Reform shall consist of five members. It shall be the duty of this committee to consider and report to the association such amendments of the law as should in their opinion be adopted; also to scrutinize proposed changes of the law, and, when necessary, report upon the same; also to observe the practical working of the judicial system of the State and recommend by written or printed reports, from time to time, any changes therein which experience or observation may suggest.

ARTICLE 6. COMMITTEE ON LEGAL EDUCATION.

The committee on legal education shall consist of one member from each county represented in the association. Its duty shall be to prepare and report a system of legal education and for examination and admission to the practice of the profession in this State, and report from time to time such changes in the system of examination and admission as may be deemed advisable.

ARTICLE 7. COMMITTEE ON MEMBERSHIP.

The committee on membership shall consist of one member from each county represented in the association. All applications for membership shall be made to the member from the county where the applicant resides, if any, otherwise to any member of the committee. Applicants shall be nominated for membership by the concurrence of three members of this committee.

ARTICLE 8. COMMITTEE ON LEGAL HISTORY.

The committee on Legal History shall consist of so many members as the association shall, from year to year, appoint.

Its duty shall be to provide for the preservation in the archives of the Society, of the record of such facts relating to the history of the profession as may be of interest, and of suitable written or printed memorials of the lives and characters of distinguished members of the profession.

ARTICLE 9. SECRETARY.

The secretary shall keep the records of the association, have charge of its archives, and discharge such other duties as the association may require.

ARTICLE 10. TREASURER.

The treasurer shall collect and receive the dues of the association, keep and by order of the executive committee disburse its funds, and discharge such other duties as may pertain to his office. Any person may fill the office of both secretary and treasurer if elected thereto. A vacancy occurring in either of these offices may be filled by appointment of the executive committee.

ARTICLE 11. MEETINGS.

The annual meeting of the association shall be held on the second Wednesday of February, at such place in the city of Augusta in the years in which the legislature shall be in session, and in the alternate years at such city in the State and at such hour, as the executive committee may determine. Special meetings may be called by the president, on application in writing of five members, ten days notice of which by mail shall be given to each member by the secretary, stating the object of the meeting. Fifteen members shall constitute a quorum at any meeting.

ARTICLE 12. ANNUAL DUES.

The annual dues shall be one dollar for each member, payable to the treasurer on or before the first day of June in each year.

Failure to pay the annual dues for two years in succession shall terminate the membership of the person in default.

ARTICLE 13. EXPULSION OF MEMBERS.

Any member may be expelled for misconduct, professional or otherwise, by a two-thirds vote of the members present at any meeting after proper notice of the charges; and all the interest of any member in the property of the association upon the termination of his membership, by expulsion, resignation or otherwise, shall thereupon vest absolutely in the association.

ARTICLE 14. AMENDMENTS.

These by-laws may be amended only by a two-thirds vote of the members present at an annual meeting of the association.

MEMBERS

OF THE

MAINE STATE BAR ASSOCIATION.

1897-'98.

Androscoggin County.

Tascus Atwood,	-	-	-	Auburn.
W. W. Bolster,	-	-	-	Auburn.
D. J. Callahan,	-	-	-	Lewiston.
Seth M. Carter,	-	-	-	Auburn.
Frank W. Dana,	-	-	-	Lewiston.
Franklin M. Drew,	-	-	-	Lewiston.
Willard F. Estey,	-	-	-	Lewiston.
Nathan W. Harris,	-	-	-	Auburn.
P. H. Kelleher,	-	-	-	Auburn.
Jesse M. Libby,	-	-	-	Mechanic Falls.
M. L. Lizotte,	-	-	-	Lewiston.
F. E. Ludden,	-	-	-	Auburn.
Wm. E. Ludden,	-	-	-	Auburn.
George E. McCann,	-	-	-	Auburn.
J. W. Mitchell,	-	-	-	Auburn.
*Asa P. Moore, -	-	-	-	Lisbon.
John A. Morrill,	-	-	-	Auburn.
Wm. H. Newell,	-	-	-	Lewiston.
*Frank L. Noble,	-	-	-	Lewiston.
Henry W. Oakes,	-	-	-	Auburn.
John L. Reade, -	-	-	-	Lewiston.
Fred N. Saunders,	-	-	-	Lewiston.

*Deceased.

Albert R. Savage,	-	-	-	Auburn.
Thos. C. Spillane,	-	-	-	Lewiston.
A. E. Verrill,	-	-	-	Auburn.
Wallace H. White,	-	-	-	Lewiston.
George C. Wing,	-	-	-	Auburn.

Aroostook County.

James Archibald,	-	-	-	Houlton.
Walter Cary,	-	-	-	Houlton.
Charles F. Daggett,	-	-	-	Presque Isle.
F. G. Dunn,	-	-	-	Ashland.
J. S. Estes,	-	-	-	Caribou.
Ira G. Hersey,	-	-	-	Houlton.
E. A. Holmes,	-	-	-	Caribou.
Daniel Lewis,	-	-	-	Sherman Mills.
Ansel L. Lumbert,	-	-	-	Houlton.
Frederick A. Powers,	-	-	-	Houlton.
Llewellyn Powers,	-	-	-	Houlton.
H. W. Safford,	-	-	-	Blaine.
R. W. Shaw,	-	-	-	Houlton.

Cumberland County.

Arthur F. Belcher,	-	-	-	Portland.
Albert W. Bradbury,	-	-	-	Portland.
Wilford G. Chapman,	-	-	-	Portland.
Frederick V. Chase,	-	-	-	Portland.
Albro E. Chase,	-	-	-	Portland.
Wm. Henry Clifford,	-	-	-	Portland.
C. E. Clifford,	-	-	-	West Falmouth.
Charles S. Cook,	-	-	-	Portland.
Liberty B. Dennett,	-	-	-	Portland.
Morrill N. Drew,	-	-	-	Portland.

Josiah H. Drummond,	-	-	Portland.
Josiah H. Drummond, Jr.,	-	-	Portland.
Isaac W. Dyer,	-	-	Portland.
John H. Fogg,	-	-	Portland.
Jas. C. Fox,	-	-	Portland.
M. P. Frank,	-	-	Portland.
Eben W. Freeman,	-	-	Portland.
Clarence Hale,	-	-	Portland.
Leroy S. Hight,	-	-	Portland.
Hiram Knowlton,	-	-	Portland.
W. J. Kuowlton,	-	-	Portland.
P. J. Larrabee,	-	-	Portland.
Seth L. Larrabee,	-	-	Portland.
C. Thornton Libby,	-	-	Portland.
Charles F. Libby,	-	-	Portland.
George Libby,	-	-	Portland.
Ira S. Locke,	-	-	Portland.
Jos. A. Locke,	-	-	Portland.
Wm. H. Looney,	-	-	Portland.
John J. Lynch,	-	-	Portland.
Chas. P. Mattocks,	-	-	Portland.
John F. A. Merrill,	-	-	Portland.
Carroll W. Morrill,	-	-	Portland.
Wm. H. Motley,	-	-	Woodfords.
Augustus F. Moulton,	-	-	Portland.
George F. Noyes,	-	-	Portland.
Irving W. Parker,	-	-	Portland.
Franklin C. Payson,	-	-	Portland.
Henry C. Peabody,	-	-	Portland.
Barrett Potter,	-	-	Brunswick.
Wm. L. Putnam,	-	-	Portland.
George D. Rand,	-	-	Portland.

Edward M. Rand,	-	-	-	Portland.
Edward C. Reynolds,	.	-	-	Portland.
F. W. Robinson,	-	-	-	Portland.
George M. Seiders,	-	-	-	Portland.
David W. Snow,	-	-	-	Portland.
Almon A. Strout,	-	-	-	Portland.
H. W. Swasey,	-	-	-	Portland.
Joseph W. Symonds,	-	-	-	Portland.
Benj. Thompson,	-	-	-	Portland.
Edward F. Tompson,	-	-	-	Portland.
Levi Turner, Jr.,	-	-	-	Portland.
W. Edwin Ulmer,	-	-	-	Portland.
H. M. Verrill,	-	-	-	Portland.
Harry R. Virgin,	-	-	-	Portland.
Augustus H. Walker,	-	-	-	Bridgton.
F. S. Waterhouse,	-	-	-	Portland.
John A. Waterman,	-	-	-	Gorham.
Lindley M. Webb,	-	-	-	Portland.
Richard Webb,	-	-	-	Portland.
John Wells,	-	-	-	Portland.
Robert T. Whitehouse,	-	-	-	Portland.
Virgil C. Wilson,	-	-	-	Portland.
Albert S. Woodman,	-	-	-	Portland.
Edward Woodman,	-	-	-	Portland.
	-	-	-	Portland.

Franklin County.

S. Clifford Belcher,	-	-	-	Farmington.
Joseph C. Holman,	-	-	-	Farmington.
Elmer E. Richards,	-	-	-	Farmington.
George L. Rogers,	-	-	-	Farmington.
Josiah H. Thompson,	-	-	-	Farmington.
F. E. Timberlake,	-	-	-	Phillips.

Hancock County.

Henry Boynton,	-	-	-	Sullivan.
Wm. O. Buck,	-	-	-	Bucksport.
Edward S. Clark,	-	-	-	Bar Harbor.
O. P. Cunningham,	-	-	-	Bucksport.
L. B. Deasy,	-	-	-	Bar Harbor.
Chas. H. Drummey,	-	-	-	Ellsworth.
O. F. Fellows,	-	-	-	Bucksport.
E. Webster French,	-	-	-	S. W. Harbor.
Geo. R. Fuller,	-	-	-	S. W. Harbor.
L. F. Giles,	-	-	-	Ellsworth.
Hannibal E. Hamlin,	-	-	-	Ellsworth.
John T. Higgins,	-	-	-	Bar Harbor.
A. W. King,	-	-	-	Ellsworth.
John A. Peters, 2nd,	-	-	-	Ellsworth.
C. A. Spofford,	-	-	-	Deer Isle.
E. P. Spofford,	-	-	-	Deer Isle.
B. E. Tracy,	-	-	-	Winter Harbor.
Geo. M. Warren,	-	-	-	Castine.
Chas H. Wood,	-	-	-	Bar Harbor.

Kennebec County.

Charles L. Andrews,	-	-	-	Augusta.
*Richard W. Black,	-	-	-	Augusta.
Orville D. Baker,	-	-	-	Augusta.
Geo. K. Boutelle,	-	-	-	Waterville.
James W. Bradbury,	-	-	-	Augusta.
Simon S. Brown,	-	-	-	Waterville.
Lewis A. Burleigh,	-	-	-	Augusta.
Leroy T. Carleton,	-	-	-	Winthrop.
Leonard D. Carver,	-	-	-	Augusta.

*Deceased.

Winfield S. Choate,	-	-	-	Augusta.
Leslie C. Cornish,	-	-	-	Augusta.
Harvey D. Eaton,	-	-	-	Waterville.
W. H. Fisher,	-	-	-	Augusta.
Eugene S. Fogg,	-	-	-	Augusta.
A. M. Goddard,	-	-	-	Augusta.
Wm. T. Haines,	-	-	-	Waterville.
Herbert M. Heath,	-	-	-	Augusta.
Geo. W. Heselton,	-	-	-	Gardiner.
Melvin S. Holway,	-	-	-	Augusta.
Treby Johnson,	-	-	-	Augusta.
Samuel W. Lane,	-	-	-	Augusta.
Thos. Leigh, Jr.,	-	-	-	Augusta.
Joseph H. Manley,	-	-	-	Augusta.
John McCarty,	-	-	-	Clinton.
Geo. S. Paine,	-	-	-	Winslow.
Arthur L. Perry,	-	-	-	Gardiner.
Warren C. Philbrook,	-	-	-	Waterville.
F. K. Shaw,	-	-	-	Waterville.
Albert M. Spear,	-	-	-	Gardiner.
Frank L. Staples,	-	-	-	Augusta.
G. T. Stevens,	-	-	-	Augusta.
Asbury C. Stilphen,	-	-	-	Gardiner.
Lendall Titcomb,	-	-	-	Augusta.
Edmund F. Webb,	-	-	-	Waterville.
Henry S. Webster,	-	-	-	Gardiner.
Joseph Williamson, Jr.,	-	-	-	Augusta.

Knox County.

Alex. A. Beaton,	-	-	-	Rockland.
*Hiram Bliss, Jr.,	-	-	-	Washington.
Wm. H. Fogler,	-	-	-	Rockland.

*Deceased.

Edw. K. Gould,	-	-	-	Rockland.
G. M. Hicks,	-	-	-	Rockland.
Arthur S. Littlefield,	-	-	-	Rockland.
Chas. E. Littlefield,	-	-	-	Rockland.
J. H. Montgomery,	-	-	-	Camden.
Joseph E. Moore,	-	-	-	Thomaston.
David N. Mortland,	-	-	-	Rockland.
True P. Pierce,	-	-	-	Rockland.
Reuel Robinson,	-	-	-	Camden.
Frederick S. Walls,	-	-	-	Vinal Haven.

Lincoln County.

Ozro D. Castner,	-	-	-	Waldoboro.
Everett Farrington,	-	-	-	Waldoboro.
Chas. H. Fisher,	-	-	-	Boothbay Harbor.
Emerson Hilton,	-	-	-	Wiscasset.
Wm. H. Hilton,	-	-	-	Damariscotta.
G. B. Kenniston,	-	-	-	Boothbay Harbor.
Geo. B. Sawyer,	-	-	-	Wiscasset.

Oxford County.

Seth W. Fife,	-	-	-	Fryeburg.
R. A. Frye,	-	-	-	Bethel.
A. E. Herrick,	-	-	-	Bethel.
Alfred S. Kimball,	-	-	-	Norway.
Chas. A. Mendall,	-	-	-	Canton.
Geo. A. Wilson,	-	-	-	South Paris.

Penobscot County.

B. C. Additon,	-	-	-	Bangor.
Frederick H. Appleton,	-	-	-	Bangor.
Chas. A. Bailey,	-	-	-	Bangor.

Chas. H. Bartlett,	-	-	-	Bangor.
Victor Brett,	-	-	-	Bangor.
James H. Burgess,	-	-	-	Bangor.
Hugh R. Chaplin,	-	-	-	Bangor.
W. C. Clark,	-	-	-	Lincoln.
Josiah Crosby,	-	-	-	Dexter.
J. Willis Crosby,	-	-	-	Dexter.
Charles Davis,	-	-	-	Bangor.
*Daniel F. Davis,	-	-	-	Bangor.
P. H. Gillin,	-	-	-	Bangor.
Joseph F. Gould,	-	-	-	Old Town.
Charles Hamlin,	-	-	-	Bangor.
Henry P. Haynes,	-	-	-	East Corinth.
G. W. Johnson,	-	.	-	Montague.
M. Laughlin,	-	-	-	Bangor.
Forrest J. Martin,	-	-	-	Bangor.
John R. Mason,	-	-	-	Bangor.
Alanson J. Merrill,	-	-	-	Bangor.
Henry L. Mitchell,	-	-	-	Bangor.
F. H. Parkhurst,	-	-	-	Bangor.
H. H. Patten,	-	-	-	Bangor.
Wm. B. Peirce,	-	-	-	Bangor.
T. H. B. Pierce,	-	-	-	Dexter.
S. T. Plummer,	-	-	-	Dexter.
W. H. Powell,	-	-	-	Old Town.
Erastus C. Ryder,	-	-	-	Bangor.
James M. Sanborn,	-	-	-	Newport
Clarence Scott,	-	-	-	Old Town.
Geo. T. Sewall,	-	-	-	Old Town.
Bertram L. Smith,	-	-	-	Patten.
Reuel Smith,	-	-	-	Bangor.
C. P. Stetson,	-	-	-	Bangor.

*Deceased.

Thos. W. Vose,	-	-	-	-	Bangor.
J. D. Warren,	-	-	-	-	Bangor.
Peregrine White,	-	-	-	-	Bangor.
F. J. Whiting,	-	-	-	-	Old Town.
Franklin A. Wilson,	-	-	-	-	Bangor.
Chas. F. Woodard,	-	-	-	-	Bangor.
	-	-	-	-	Bangor.

Piscataquis County.

Calvin W. Brown,	-	-	-	-	Dover.
Frank E. Guernsey,	-	-	-	-	Dover.
Henry Hudson,	-	-	-	-	Guilford.
M. W. McIntosh,	-	-	-	-	Brownville.
Willis E. Parsons,	-	-	-	-	Foxcroft.
Jos. B. Peakes,	-	-	-	-	Dover.
A. M. Robinson,	-	-	-	-	Dover.
John F. Sprague,	-	-	-	-	Monson.

Sagadahoc County.

Wm. T. Hall,	-	-	-	-	Richmond.
Geo. E. Hughes,	-	-	-	-	Bath.
Chas. W. Larrabee,	-	-	-	-	Bath.
Chas. D. Newell,	-	-	-	-	Richmond.
John Scott,	-	-	-	-	Bath.
Frank E. Southard,	-	-	-	-	Bath.
Franklin P. Sprague,	-	-	-	-	Bath.
Joseph M. Trott,	-	-	-	-	Bath.
Turner Buswell,	-	-	-	-	Solon.
Geo. M. Chapman,	-	-	-	-	Fairfield.
*Edward P. Coffin,	-	-	-	-	Skowhegan.
Abel Davis,	-	-	-	-	Pittsfield.

*Deceased.

Forrest Goodwin,	-	-	-	Skowhegan.
Geo. W. Gower,	-	-	-	Skowhegan.
C. A. Harrington,	-	-	-	Norridgewock.
John W. Manson,	-	-	-	Pittsfield.
F. E. McFadden,	-	-	-	Fairfield.
Augustine Simmons,	-	-	-	No. Anson.
C. O. Small,	-	-	-	Madison.
L. L. Walton,	-	-	-	Skowhegan.
Geo. G. Weeks,	-	-	-	Fairfield.

Waldo County.

Ellery Bowden,	-	-	-	Winterport.
Fred W. Brown,	-	-	-	Belfast.
R. F. Dunton,	-	-	-	Belfast.
Geo. E. Johnson,	-	-	-	Belfast.
Wm. P. Thompson,	-	-	-	Belfast.
Joseph Williamson,	-	-	-	Belfast.

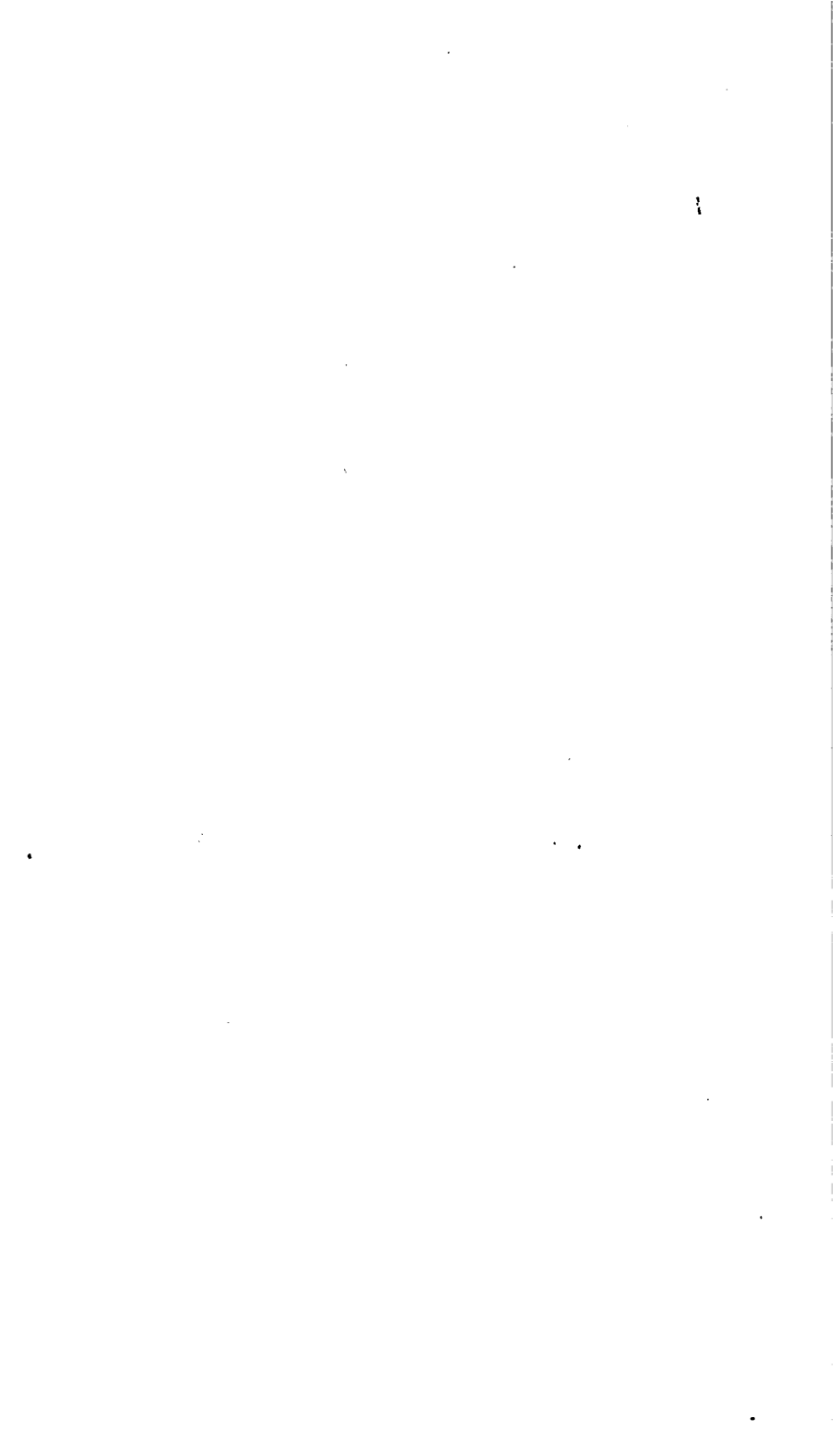
Washington County.

Jas. M. Beckett,	-	-	-	Calais.
Chas. B. Donworth,	-	-	-	Machias.
Geo. R. Gardner,	-	-	-	Calais.
H. H. Gray,	-	-	-	Millbridge.
Samuel D. Leavitt,	-	-	-	Eastport.
F. B. Livingstone,	-	-	-	Calais.
J. H. McFaul,	-	-	-	Eastport.
I. G. McLarren,	-	-	-	Eastport.
B. B. Murray,	-	-	-	Pembroke.
L. H. Newcomb,	-	-	-	Eastport.
Chas. Peabody,	-	-	-	Millbridge.
B. Rogers,	-	-	-	Pembroke.
Edgar Whidden,	-	-	-	Calais.

York County.

Fred J. Allen,	-	-	-	Sanford.
E. C. Ambrose,	-	-	-	W. Buxton.
Horace H. Burbank,	-	-	-	Saco.
John B. Donovan,	-	-	-	Alfred.
Walter H. Downs,	-	-	-	So. Berwick.
Geo. A. Emery,	-	-	-	Saco.
Geo. D. Emery,	-	-	-	East Lebanon.
Willis T. Emmons,	-	-	-	Saco.
Hampden Fairfield,	-	-	-	Saco.
Geo. A. Goodwin,	-	-	-	Springvale.
John M. Goodwin,	-	-	-	Biddeford.
F. W. Guptill,	-	-	-	Saco.
Geo. W. Hanson,	-	-	-	Sanford.
Frank M. Higgins,	-	-	-	Limerick.
Nathaniel Hobbs,	-	-	-	No. Berwick.
Luther R. Moore,	-	-	-	Saco.
W. P. Perkins,	-	-	-	Cornish.
Chas. H. Prescott,	-	-	-	Biddeford.
Moses A. Safford,	-	-	-	Kittery.
John C. Stewart,	-	-	-	York Village.
Chas. E. Weld,	-	-	-	W. Buxton.







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